



AGENDA

Washington County Board of Elections April 12, 2022

Board Meeting to be held on Tuesday, April 12, 2022 at 3PM. Meeting will be held in person but may also be attended virtually. Call in information is provided below.

Call Meeting to Order:

Record Those Present:

Minutes of the March 8, 2022 and March 24, 2022 Board Meetings:

Request for Additions/Changes to Agenda:

Correspondence:

- I. Emailed to Board: Maryland Matters Article, "Furor Over Multi-Member Districts Returns as Legislative Redistricting Trial Wraps Up," March 24, 2022
- II. Emailed to Board: Anne Arundel Circuit Court Memorandum Opinion and Order, March 25, 2022
- III. Emailed to Board: Maryland Matters Article, "Hogan Signs Redrawn Congressional Map; Appeal on Earlier Map To Be Withdrawn," April 4, 2022
- IV. Emailed to Board: Maryland Matters Article, "Special Magistrate Says Court of Appeals Should Deny Challenges to Maryland's State Legislative Map," April 4, 2022

Reports:

- I. Election Director
- II. Attorney

Old Business:

- I. Virginia Avenue Update
- II. 2020 Census and Redistricting - update
- III. FY23 Draft Budget
- IV. Combine or Consolidate Precincts
- V. Election Worker Training

New Business:

I. None

Members Remarks:

Scheduling of Next Meeting:

Distributed Information:

Revised Election Calendar

Future Events:

Executive Session:

Part of the meeting may be closed in accordance with Open Meeting Act Procedures.

Public Participation: Members of the public may address the Board. Pursuant to §3.2B of the Board's bylaws, public participation at a meeting must be pre-scheduled and pre-approved by the President. To request approval to speak at a board meeting, contact Kaye Robucci at 240.313.2053 or by Email no later than 5 pm the day before the meeting.

Call In Instructions for the Meeting:

Meeting ID

meet.google.com/wuo-ugzy-vcv

Phone Numbers

[\(US\)+1 337-548-0161](tel:+13375480161)

PIN: 344 679 659#

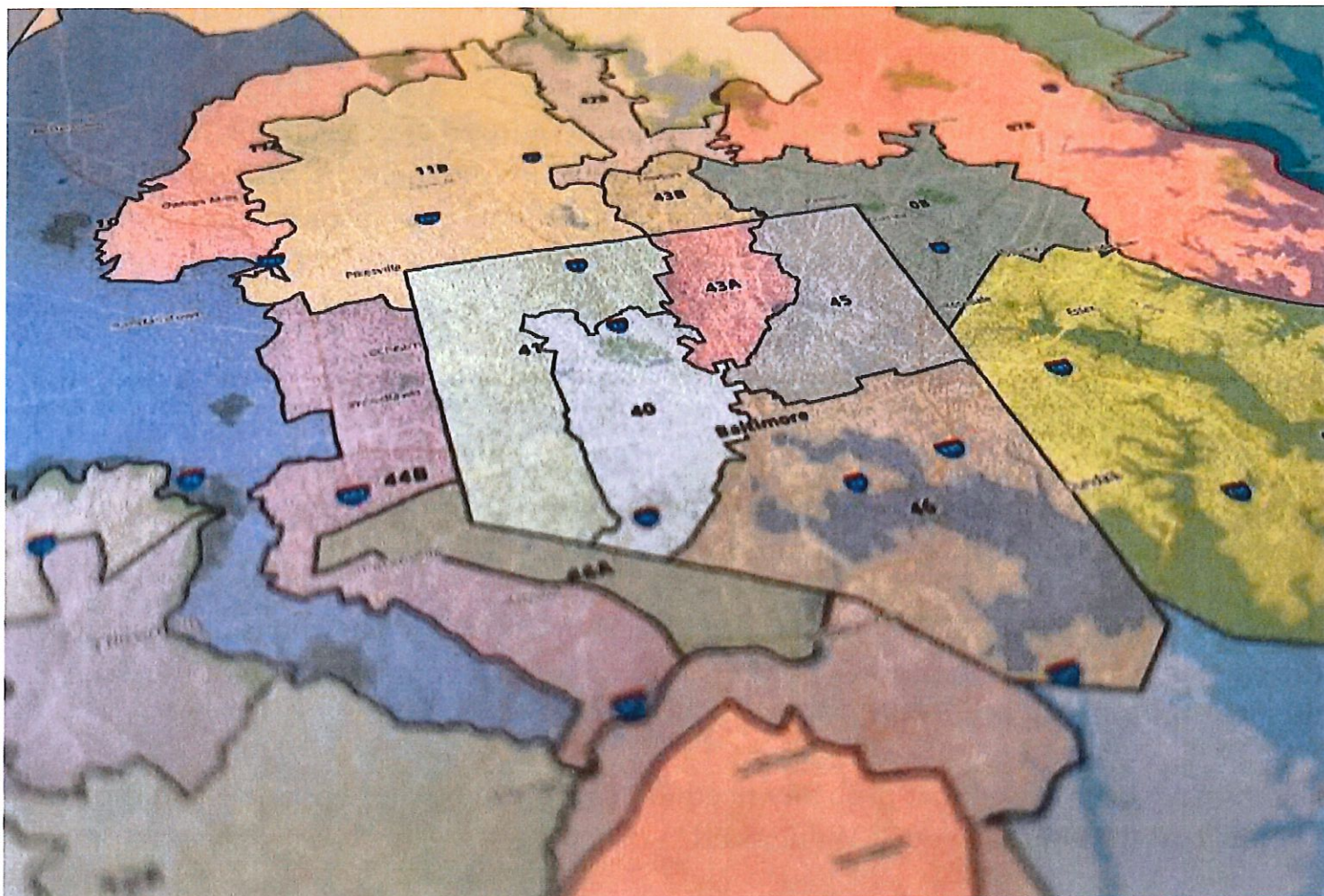
3. Meeting with Election Judge Training Coordinator and Trainers, April 14, 2022.
 4. Transportation Meeting: May 2, 2022
- C. Correspondence: N/A
- D. Trainings: N/A
- E. Legislative Update: Barry
- F. Voter Registration Activities and Statistics:
1. Registration Statistics for March 2022
- G. Candidate Filings:
1. Filing began February 23, 2021. 59 Candidates have filed.
 2. Deadline: Extended to 9 pm on Friday, April 15, 2022
- H. Voting System Activities:
1. Acceptance Testing on A40 Printers
 2. Prepare equipment for Election Judge Training
- I. Projects:
1. Identifying street segments and voters impacted by legislative changes and finish in Sandbox and be ready to implement in Production.
 2. Process Mail-in Ballot Applications. Accepted to date: 6,734
 3. Prepare for Election Judge Training
 4. Continue to recruit Election Workers: 485 or 70% (need 690)

ELECTION 2022 GOVERNMENT & POLITICS

Furor Over Multi-Member Districts Returns as Legislative Redistricting Trial Wraps Up

By Bennett Leckrone

March 24, 2022



A trial over Maryland's new legislative districts wrapped up Thursday. Photo by Danielle E. Gaines.

The ability of legislative district mapmakers to use both single- and multi-member delegate districts is enshrined in the Maryland Constitution. But an attorney for

petitioners against the state's new legislative map argued in the Court of Appeals Thursday that their use conflicts with other constitutional provisions.

David K. Bowersox, an attorney in a petition brought by Dels. Brenda J. Thiam (R-Washington) and Wayne A. Hartman (R-Wicomico) and Republican voter and Hampstead resident Patricia Shoemaker, argued that Maryland's use of both single- and multi-member districts conflicts with the Maryland Declaration of Rights' guarantee that elections be "free" and equal protection under law.

Bowersox asserted that Marylanders aren't given an equal vote since they vote for one, two or three delegates depending on the district they live in.

"This is not equal," Bowersox said. "Three to one isn't even close."

He added that Maryland is an "anomaly" compared to other states in its use of both single- and multi-member House districts rather than one or the other.

Article III, Section 3 of the Maryland Constitution requires that delegate districts be nested within senatorial districts, and stipulates that "nothing herein shall prohibit the subdivision of any one or more of the legislative districts for the purpose of electing members of the House of Delegates into three single-member delegate districts or one single-member delegate district and one multi-member delegate district."

Attorneys for the state argued that such a shift requires a constitutional amendment rather than a judicial ruling.

"That's the people's decision, whether to amend their constitution," Solicitor General Steven Sullivan said. "And it's not a minor consideration."

Special Magistrate Alan M. Wilner, a retired Court of Appeals judge who is presiding over the case, indicated that the court's power is limited when it comes to some of the issues the petitioners brought forward.

"Issues have been raised that probably need to be resolved by the legislature and the people, that the court can't do," Wilner said.

With the two-day trial completed, Wilner said he will be working to submit his report to the Court of Appeals, which will have the final say over the legislative redistricting challenges. He previously indicated he would aim to submit his report by April 4.

A total of four petitions were filed against the legislative map enacted by lawmakers earlier this year. All four challenges contend that some of the newly drawn districts violate Article

constitution which are calculated to revive and foster that spirit of crimination and recrimination already existing to an alarming extent between parties in this State? The word loyal has come to be, of late, a word susceptible of such various construction, and has so often been prostituted by the minions of power, to accomplish partizan ends. That to incorporate it into the constitution would be nothing more nor less than creating an engine of oppression, to be used by whatever party might hold for a time the reins of power.

Id. at 1334. Thus, inhibiting the creation of an “engine of oppression” “to accomplish party ends” by “whatever party might hold for a time the reins of power” to “suppress the voice of the people” was a purpose of the Free Elections Clause.

Our jurisprudence in Maryland indicates that the Free Elections Clause has been broadly interpreted to apply to legislation that infringes upon the right of political participation by citizens of the State. In *Jackson v. Norris*, 173 Md. 579 (1937), the Court of Appeals considered whether automated voting machines, which used ballots that restricted the choice of voters to candidates whose names were printed on the ballot, violated the Free Elections Clause. In resolving the applicability of the Free Elections Clause, the Court explained that legislative acts that were “a material impairment of an elector’s right to vote[,]” were to be deemed unconstitutional. *Id.* at 585. The Court held that the ballots were violative of the Free Elections Clause, because they constrained the ability of voters to cast their vote for the candidate of their choice and, by extension infringed upon voters’ right to participate in free elections. *Id.* at 603.

The pivotal goal of the Free Elections Clause, to protect the right of political participation in Congressional elections, was emphasized in *Green Party*, 377 Md. at 127, which concerned an attempt by the Green Party to get a candidate on the ballot for election to Congress, in the state’s first congressional district, as discussed, *supra*. In that case, Article 7 was held to protect the right of all qualified voters within the state to sign nominating petitions in support of minor party

candidates for office, regardless of whether they had been classified as “inactive voters.” In this regard, the decision in *Green Party* recognized that the Free Elections Clause afforded a greater protection of the citizens of Maryland in a Congressional election context, than is provided under the Federal Constitution, in the First, Fifth, Ninth, and Fourteenth Amendments, which also had been alleged in the Complaint. *Green Party*, 377 Md. at 150.²⁶

Clearly, the 1773 and 1816 Complaints, with respect to Article 7 of the Declaration of Rights, the Free Elections Clause, have stated a cause of action and survive the Motion to Dismiss, assuming the truth of all well-pleaded relevant and material facts and all inferences that reasonably can be drawn therefrom.

²⁶ In interpreting similar phraseology that “Elections shall be free and equal,” the Supreme Court of Pennsylvania, in *League of Women Voters of Pa.*, determined that the state’s Free Elections Clause required that “each and every Pennsylvania voter must have the same free and equal opportunity to select his or her representatives.” 645 Pa. at 117. The Court concluded that, in order to comply with the strictures of the Free Elections Clause, Congressional district maps be drawn in order to “provide[] the people of this Commonwealth an equally effective power to select the representative of his or her choice, and bars the dilution of the people’s power to do so.” *Id.*

III, Section 4 of the Maryland Constitution, which stipulates that legislative districts “shall consist of adjoining territory, be compact in form, and of substantially equal population” and respect natural and political boundaries.

One petition was brought by Dels. Mark N. Fisher (R-Calvert), Nicholaus R. Kipke (R-Anne Arundel) and Kathy Szeliga (R-Baltimore County). The three lawmakers contend that their own districts and several others violate the state constitutional requirements of compactness and respect for political and natural boundaries.

Strider Dickson, an attorney for the three Republican lawmakers, again argued Thursday that Districts 12, 21, 22, 23, 24, 27, 33 and 47 violate Article III, Section 4 because they are non-compact.

An expert for the Republican lawmakers, RealClearPolitics Senior Election Analyst Sean Trende, testified Wednesday that he compared the districts to more than 13,000 legislative districts drawn across the United States since 2002 and found that District 12 stood out as being particularly non-compact.

“If District 12 is compact, there is no such thing as a compact district,” Dickson said Thursday. “It is an incredibly convoluted shape. I don’t even know how to describe it.”

In urging Wilner to find the districts unconstitutional, Dickson outlined the ways he believes that various Maryland legislative districts violate the constitutional requirements for compactness and respect for natural boundaries, such as District 27’s jump over the Patuxent River in an area without a bridge.

Dickson added that the state’s assertion of legislative privilege prevented the petitioners from following through on their charge that additional districts were unconstitutional.

Wilner questioned whether Trende’s comparison to legislative districts from elsewhere in the United States is helpful, given Maryland’s unusual geography. He also noted that there are various constitutional requirements for redistricting in addition to compactness, like population equality, and that sometimes those requirements clash.

“Compactness is important because it’s in our constitution, but it isn’t the whole,” Wilner said.

Assistant Attorney General Andrea Trento argued that the legislative map isn’t an illegal partisan gerrymander, and said Democrats could have further pushed their advantage if they had wanted to.

“It’s a pretty poorly executed gerrymander if that’s what they were trying to do,” Trento said.

Two additional petitions to the state legislative map wrapped up their arguments before Wilner Wednesday: Petitioner David Whitney, an Anne Arundel County resident, took issue with the way the Broadneck Peninsula was divided among multiple districts in the new map, particularly with District 30A including parts of the area with Edgewater and crossing both the Severn and South rivers; and Washington County Republican Central Committee President Seth Wilson argued Wednesday that District 2, which now crosses from Western Maryland into Frederick County, disregards county lines for “no good reason.”

The new legislative districts that are being challenged in court were drawn up by the Legislative Redistricting Advisory Commission, a panel convened by Senate President Bill Ferguson (D-Baltimore City) and House Speaker Adrienne A. Jones (D-Baltimore County). Jones and Ferguson were both members of that commission, along with two other Democratic legislative leaders and two Republican legislative leaders. That panel was chaired by Karl Aro, a former head of the nonpartisan Department of Legislative Services.

The map, which was then approved by the legislature in party-line votes, largely mirrors previous districts, and also [shores up](#) several potentially vulnerable Democrats who are seeking reelection.

Dickson asked Wilner to throw out the challenged districts and give the General Assembly, whose annual session is due to end on April 11, a chance to redraw the map. He also said that if the General Assembly doesn’t enact a new map, the map drawn up by the Maryland Citizens Redistricting Commission convened by Gov. Lawrence J. Hogan Jr. (R) be put in place instead.

Hogan initially asked that panel, to the extent possible, to use single-member districts in its legislative maps. Commission members couldn’t agree on whether to exclusively use single-member districts, however, and eventually landed on a compromise to use three-member delegate districts and single-member subdistricts based on population density.



Bennett Leckrone
Reporter

KATHRYN SZELIGA, et al., * IN THE
Plaintiffs * CIRCUIT COURT
v. * FOR
LINDA LAMONE, et al., * ANNE ARUNDEL COUNTY
Defendants * CASE NO.: C-02-CV-21-001816
* * * * *

NEIL PARROTT, et al., * IN THE
Plaintiffs * CIRCUIT COURT
v. * FOR
LINDA LAMONE, et al., * ANNE ARUNDEL COUNTY
Defendants * CASE NO.: C-02-CV-21-001773
* * * * *

MEMORANDUM OPINION AND ORDER

Introduction

Partisan gerrymandering refers to the drawing of districting lines to favor the political party in power, and “[p]artisan gerrymandering claims rest on an instinct that groups with a certain level of political support should enjoy a commensurate level of political power and influence.” *Rucho v. Common Cause*, — U.S. —, —, 139 S. Ct. 2484, 2499 (2019).¹ *Rucho* is pivotal for the discussion of why this trial court and, potentially, the Court of Appeals² are

¹ Gerrymandering based on race is not an issue in this case, so that statutes such as the Voting Rights Act of 1965, Pub. L. No. 89-110, 79 Stat. 445 (codified, as amended, at 52 U.S.C. § 10101, *et seq.*), and cases solely addressing this conundrum are not implicated directly.

(continued . . .)

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grappling with the issue of the constitutionality of the 2021 Congressional map, because the Supreme Court demurred in the case from addressing, on the basis of the “political question” doctrine, the lawfulness of partisan gerrymandering. *Id.* at —, 2506–07. Chief Justice Roberts, the author of *Rucho*, suggested, however, that, “[p]rovisions in state statutes and state constitutions can provide standards and guidance for state courts to apply.” *Id.* at —, 2507.

Background

Two consolidated cases in issue in the instant case are constitutional challenges to the Maryland Congressional Districting Plan enacted in 2021, hereinafter referred to as “the 2021 Plan.” In their Complaint, the 1773 Plaintiffs³ allege violations of Section 4 of Article III of the Maryland Constitution, which provides:

Each legislative district shall consist of adjoining territory, be compact in form, and of substantially equal population. Due regard shall be given to natural boundaries and the boundaries of political subdivisions[.]

(. . . continued)

² A direct appeal to the Court of Appeals is available pursuant to Section 12–203 of the Election Law Article, Maryland Code (2002, 2017 Repl. Vol.), which provides:

(a) *In general.* — A proceeding under this subtitle shall be conducted in accordance with the Maryland Rules, except that:

(1) the proceeding shall be heard and decided without a jury and as expeditiously as the circumstances require;

(2) on the request of a party or sua sponte, the chief administrative judge of the circuit court may assign the case to a three-judge panel of circuit court judges; and

(3) an appeal shall be taken directly to the Court of Appeals within 5 days of the date of the decision of the circuit court.

(b) *Expedited appeal.* — The Court of Appeals shall give priority to hear and decide an appeal brought under subsection (a)(3) of this section as expeditiously as the circumstances require.

³ The named Plaintiffs in the consolidated action, Case No. C-02-CV-21-001773, are Neil Parrott, Ray Serrano, Carol Swigar, Douglas Raalum, Ronald Shapiro, Deanna Mobley, Glen Glass, Allen Furth, Jeff Warner, Jim Nealis, Dr. Antonio Campbell, and Sallie Taylor; hereinafter “the 1773 Plaintiffs.” Standing of all of the Plaintiffs has been conceded by the State.

MD. CONST. art. III, § 4, as well as Article 7 of the Maryland Declaration of Rights, which declares:

That the right of the People to participate in the Legislature is the best security of liberty and the foundation of all free Government; for this purpose, elections ought to be free and frequent; and every citizen having the qualifications prescribed by the Constitution, ought to have the right of suffrage.

MD. CONST. DECL. OF RTS. art. 7. The 1816 Plaintiffs⁴ also allege violations of Article 7, but also add Article 24 of the Declaration of Rights, which provides:

That no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or, in any manner, destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the land[.]

MD. CONST. DECL. OF RTS. art. 24, as well as Article 40, which declares:

That the liberty of the press ought to be inviolably preserved; that every citizen of the State ought to be allowed to speak, write and publish his sentiments on all subjects, being responsible for the abuse of that privilege[.]

MD. CONST. DECL. OF RTS. art. 40, and Section 7 of Article I of the Maryland Constitution, which provides:

The General Assembly shall pass Laws necessary for the preservation of the purity of Elections.

MD. CONST. art. I, § 7.

⁴ The named Plaintiffs in Case No. C-02-CV-21-001816 are Kathryn Szeliga, Christopher T. Adams, James Warner, Martin Lewis, Janet Moye Cornick, Rickey Agyekum, Maria Isabel Icaza, Luanne Ruddell, and Michelle Kordell; hereinafter "the 1816 Plaintiffs." Standing of all of the Plaintiffs has been conceded by the State.

Defendants in both actions are Linda H. Lamone, the Maryland State Administrator of Elections; William G. Voelp, the Chairman of the Maryland State Board of Elections; and the Maryland State Board of Elections, which is identified as the administrative agency charged with “ensur[ing] compliance with the requirements of Maryland and federal election laws by all persons involved in the election process.”⁵

Case No. C-02-CV-21-001816

On December 23, 2021, the 1816 Plaintiffs filed their Complaint for Declaratory and Injunctive Relief. On January 20, 2022, the Democratic Congressional Campaign Committee (“DCCC”) filed a Motion to Intervene in the matter, along with its proposed Answer to the Plaintiffs’ Complaint. On February 2, 2022, the Defendants filed their Motion to Dismiss or, in the Alternative, for Summary Judgment.⁶ The Plaintiffs filed their Opposition to the DCCC’s Motion to Intervene on February 3, 2022 and subsequently filed their Opposition to the Defendants’ Motion to Dismiss or, in the Alternative, for Summary Judgment, on February 11, 2022. In the meantime, the Defendants also filed their response to the DCCC’s Motion to Intervene. The Court heard argument on the Defendants’ Motion to Dismiss on February 16, 2022 and held the matter *sub curia*. Simultaneously, the Court issued its Memorandum Opinion and Order denying the DCCC’s Motion to Intervene.

Several days later, on February 22, 2022, the Court issued a Consolidation Order, which consolidated Case No. C-02-CV-21-001816 with another similar case, Case No. C-02-CV-

⁵ *About SBE, THE STATE BD. OF ELECTIONS*, <https://perma.cc/9GUT-X5KM> (last visited March 23, 2022).

⁶ It should be noted that the Defendants have asserted that both Case No. C-02-CV-21-001816 and Case No. C-02-CV-21-001773 are non-justiciable “political questions.” The Defendants, however, conceded that should the standards in Article III, Section 4 apply to Congressional redistricting, the matter is justiciable.

21001773, and identified Case No. C-02-CV-21-001816 as the “lead” case. On the same day, the Court denied three requests for special admission of out-of-state attorneys on behalf of the DCCC. On February 23, 2022, the Court ultimately issued its Order disposing of the Defendants’ Motion to Dismiss, or in the Alternative, for Summary Judgment, and dismissed Count II: Violation of Purity of Elections, with prejudice. The counts that remained included Counts I, III, and IV of the 1816 Complaint, which involved violations of Articles 7 (Free Elections), 24 (Equal Protection), and 40 (Freedom of Speech) of the Maryland Declaration of Rights, respectively. The 1816 Plaintiffs ask for a declaration that the 2021 Plan is unconstitutional under Articles 7, 24, and 40 of Maryland’s Declaration of Rights and Section 7 of Article I of the Maryland Constitution. Additionally, Plaintiffs seek to permanently enjoin the use of the 2021 Plan and ask for an order to postpone the filing deadline for candidates to declare their intention to compete in 2022 Congressional primary elections until a new district map is prepared.

Case No. C-02-CV-21-001773

On December 21, 2021, the 1773 Plaintiffs filed their Complaint for Declaratory and Other Relief Regarding the Redistricting of Maryland’s Congressional Districts. On January 20, 2022, the DCCC filed a Motion to Intervene in the matter, along with its proposed Motion to Dismiss the Plaintiffs’ Complaint. The Plaintiffs filed their Opposition to the DCCC’s Motion to Intervene on February 4, 2022. Subsequently, on February 11, 2022, the Plaintiffs filed their Opposition to the Defendants’ Motion to Dismiss or, in the Alternative, for Summary Judgment, in related Case No. C-02-CV-21-001816. On February 15, 2022, the DCCC filed its Reply in Support of its Motion to Intervene. Several days later, on February 19, 2022, the Defendants filed a Motion to Dismiss the Complaint. The Plaintiffs filed their Opposition to the Motion to

Dismiss on February 20, 2022. On February 22, 2022, the Court issued a Consolidation Order (referenced above) and denied the DCCC's Motion to Intervene and the three requests for special admission of out-of-state attorneys on behalf of the DCCC. A hearing on the Defendants' Motion to Dismiss took place on February 23, 2022. Under this Court's February 23rd Order, which dismissed Count II of the 1816 Complaint, both counts in the 1773 Complaint remained.

The 1773 Plaintiffs ask for a declaration that the 2021 Plan is unlawful, as well as a permanent injunction against its use in Congressional elections. Additionally, the 1773 Plaintiffs ask the Court to order a new map be prepared before the 2022 Congressional primaries or, in the alternative, order that an alternative Congressional district map, which was prepared by the Governor's Maryland Citizens Redistricting Commission,⁷ be used for the 2022 Congressional elections.

The parties submitted proposed findings of fact prior to trial on March 11, 2022. Simultaneously, the 1816 and 1773 Plaintiffs submitted a Joint Motion in Limine as to exclude portions of testimony from Defendants' experts, Dr. Allan J. Lichtman and Mr. John T. Willis. During the first day of trial on March 15, 2022, the parties submitted Stipulations of Fact and the Court admitted the stipulations as Exhibit 1. The Court then placed, on the record, an agreement between the parties about relevant judicial admissions by the Defendants relative to the Defendants' Answer. On the last day of trial on March 18, 2022, the State submitted a stipulation

⁷ The Maryland Citizens Redistricting Commission was established by Governor Lawrence J. Hogan, Jr., in January of 2021. Exec. Order No. 01.01.2021.02 (Jan. 12, 2021). The Commission, pursuant to the Order, was tasked with preparing plans for the state's Congressional districts and its state legislative districts, which would be submitted by the Governor to the General Assembly. *Id.* The Commission submitted its Final Report to the Governor in January 2022. *Final Report of the Maryland Citizens Redistricting Commission*, MD. CITIZENS REDISTRICTING COMM'N (Jan. 2022), <https://perma.cc/UUX5-6J72>.

that the 2021 Plan did, in fact, pair Congressmen Andy Harris and Congressmen Kweisi Mfume in the same district – the Seventh Congressional District.⁸

With respect to the Plaintiffs' Motion in Limine, which raised the issue of a *Daubert* challenge as well as alleged late disclosure by the Defendants' experts as to various opinions, the trial judge heard argument during trial and ruled that the allegations regarding late disclosure were denied. With respect to the *Daubert* motion regarding the States' expert witnesses, it was eventually withdrawn by the Plaintiffs on March 18, 2022.

In addition, the Defendants moved to strike three questions asked by the trial judge of Dr. Thomas L. Brunell, after cross examination and before re-direct and re-cross examination, and the responses thereto. After a hearing in open court on March 18, 2022, the judge denied the motion to strike the three questions of Dr. Brunell and his responses thereto.

The Motion to Dismiss

In evaluating the Constitutional claims posited in Case Nos. C-02-CV-21-001816 and C02-CV-21-001773, the trial court has been guided in its efforts by the words of Chief Judge Robert M. Bell, when he wrote in 2002, that courts “do not tread unreservedly into this ‘political thicket’; rather, we proceed in the knowledge that judicial intervention . . . is wholly unavoidable.” *In re Legislative Districting of State*, 370 Md. 312, 353 (2002). Chief Judge Bell recognized that when the political branches of government are exercising their duty to prepare a lawful redistricting plan, politics and political decisions will impact the process. *Id.* at 354; *id.* at 321 (“[I]n preparing the redistricting lines . . . the process is in part a political one, they may consider countless other factors, including broad political and narrow partisan ones, and they

⁸ See Stipulation No. 60, *infra* p. 57.

may pursue a wide range of objectives[.]”). Yet, the consideration of political objectives “does not necessarily render the process, or the result of the process, unconstitutional; rather, that will be the result only when the product of the politics or the political considerations runs afoul of constitutional mandates.” *Id.* (internal citations omitted).

In considering whether the various counts of the Complaints survived the Motion to Dismiss, the trial court applied the following standard of review⁹:

“Dismissal is proper only if the facts alleged fail to state a cause of action.” *A.J. Decoster Co. v. Westinghouse Elec. Corp.*, 333 Md. 245, 249 (1994). Under Maryland Rule 2-303(b), a complaint must state those facts “necessary to show the pleader’s entitlement to relief.” In considering a motion to dismiss for failure to state a cause of action pursuant to Maryland Rule 2-322(b)(2), a trial court must assume the truth of all well-pleaded relevant and material facts in the complaint, as well as all inferences that reasonably can be drawn therefrom. *Stone v. Chicago Title Ins. Co.*, 330 Md. 329, 333 (1993); *Odyniec v. Schneider*, 322 Md. 520, 525 (1991). Whether to grant a motion to dismiss “depends solely on the adequacy of the plaintiff’s complaint.” *Green v. H & R Block, Inc.*, 355 Md. 488, 501 (1999).

“[I]n considering the legal sufficiency of [a] complaint to allege a cause of action . . . we must assume the truth of all relevant and material facts that are well pleaded and all inferences which can be reasonably drawn from those pleadings.” Mere conclusory charges that are not factual allegations may not be considered. Moreover, in determining whether a petitioner has alleged claims upon which relief can be granted, “[t]here is . . . a big difference between that which is necessary to prove the [commission] and that which is necessary merely to allege [its commission][.]”

⁹ The trial court did not apply the “plausibility” standard articulated in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), commonly referred to as “the *Twombly-Iqbal* standard,” which may be considered a more intense standard of review. The State disavowed that it was positing its application.

Lloyd v. Gen. Motors Corp., 397 Md. 108, 121-22 (2007) (quoting *Sharrow v. State Farm Mutual Ins. Co.*, 306 Md. 754, 768, 770 (1986)) (alterations in original).

There are no provisions in the Maryland Constitution explicitly addressing Congressional districting. The only statutes in Maryland that bear on Congressional redistricting include Section 8-701 through 8-709 of the Election Law Article of the Maryland Code. Section 8-701 states that Maryland's population count is to be used to create Congressional districts, that the State of Maryland shall be divided into eight Congressional districts, and that the description of Congressional districts include certain boundaries and geographic references.¹⁰ Sections 8-702 through 8-709 identify the respective counties included within each of the eight Congressional districts according to the current Congressional map in effect.¹¹ None of the statutory provisions includes standards or criteria by which Congressional districting maps must be drawn.¹²

¹⁰ Section 8-701 of the Election Law Article, Maryland Code (2002, 2017 Repl. Vol.) provides:

(c) *Boundaries and geographic references.* — (1) The descriptions of congressional districts in this subtitle include the references indicated.

(2) (i) The references to:

1. election districts and wards are to the geographical boundaries of the election districts and wards as they existed on April 1, 2020; and

2. precincts are to the geographical boundaries of the precincts as reviewed and certified by the local boards or their designees, before they were reported to the U.S. Bureau of the Census as part of the 2020 census redistricting data program and as those precinct lines are specifically indicated in the P.L. 94-171 data or shown on the P.L. 94-171 census block maps provided by the U.S. Bureau of the Census and as reviewed and corrected by the Maryland Department of Planning.

(ii) Where precincts are split between congressional districts, census tract and block numbers, as indicated in P.L. 94-171 data or shown on the P.L. 94-171 census block maps provided by the U.S. Bureau of the Census and referred to in this subtitle, are used to define the boundaries of congressional districts.

¹¹ MD. CODE ANN., ELEC. LAW §§ 8-701 through 8-709.

¹² During the hearing on the State's Motion to Dismiss, the Court asked the parties to provide supplemental briefings regarding the significance, or not, of two historical laws, which prescribed the application of the
(continued . . .)

In ruling on the Defendants' Motion to Dismiss the Complaints, this Court assumed the truth of all well pleaded relevant and material facts and all inferences that reasonably can be drawn therefrom and determined that the 1773 Complaint stated a claim upon which relief can be granted. Article III, Section 4, of the Maryland Constitution does embody standards by which the 2021 Congressional Plan can be evaluated to determine whether unlawful partisan gerrymandering has occurred. The standards of Article III, Section 4 are applicable to the evaluation of the 2021 Plan based upon the interpretation of the Section's language, purpose, and legislative intent.

With respect to the 1773 Complaint and the 1816 Complaint, this Court assumed the truth of all well pleaded relevant and material facts and all inferences that can reasonably be drawn

(... continued)

"constitution and laws of this state for the election of delegates to the house of delegates," to Congressional elections. The first law, enacted in 1788, in relevant part, provided:

And be it enacted, That the election of representatives for this state, to serve in the congress of the United States, shall be made by the citizens of this state qualified to vote for members of the house of delegates, on the first Wednesday of January next, at the places in the city of Annapolis and Baltimore-town, and in the several counties of this state, prescribed by the constitution and laws of this state for the election of delegates to the house of delegates[.]

1788 Laws of Maryland, Chapter X, Section III (Vol. 204, p. 318). The second law, enacted in 1843, provided:

Sec. 5. And be it enacted, That the regular election of representatives to Congress from this State, shall be made by the citizens of this State, qualified to vote for members to the House of delegates, and each citizen entitled as aforesaid, shall vote by ballot, on the first Wednesday in October, in the year eighteen hundred and forty-five, and on the same day in every second year thereafter, at the places in the city of Baltimore, and in the city of Annapolis, and in the several counties, and Howard District of this State, as prescribed by the constitution and laws of this State, for the election of members to the house of delegates.

1843 Laws of Maryland, Chapter XVI, Section 5 (Vol. 595, p. 13).

The parties' responses, collectively, indicated that they ascribed little or no significance to the language, which suggested that the first Congressional elections in Maryland were conducted via the application of election rules prescribed, in part, in the State Constitution.

therefrom and determined that the strictures of Article III, Section 4 are, alternatively, applicable to the 2021 Plan because of the free elections clause, MD. CONST. DECL. OF RTS. art. 7, as well as with respect to the 1816 Complaint, the equal protection clause, MD. CONST. DECL. OF RTS. art. 24; each, individually, provide a nexus to Article III, Section 4 to determine the lawfulness of the 2021 Plan.¹³

¹³ The trial court ultimately dismissed with prejudice Section 7 of Article I of the Maryland Constitution. Article I, Section 7 provides that, “[t]he General Assembly shall pass Laws necessary for the preservation of the purity of Elections.” The 1816 Plaintiffs argued that this provision was violated because the General Assembly failed to pass laws concerning elections that are fair and even-handed, and that are designed to eliminate corruption. *1816 Compl.* ¶ 66. The State took the position that Section 7 of Article 1 was not intended to restrain acts of the General Assembly, but rather, that the provision acted as “an exclusive mandate directed to the General Assembly to establish the mechanics of administering elections in a manner that ensures that those who are entitled to vote are able to do so, free of corruption or fraud.” *1816 Mot. Dismiss* at 31.

The term “purity” in the Section is undefined and therefore, ambiguous. No case referring to the Section has defined what purity means. *Cnty. Council for Montgomery Cnty. v. Montgomery Ass’n, Inc.*, 274 Md. 52 (1975); *Anderson v. Baker*, 23 Md. 531 (1865) (concurring opinion); see also *Hanrahan v. Alterman*, 41 Md. App. 71 (1979); *Hennegan v. Gearner*, 186 Md. 551 (1946); *Smith v. Higinbothom*, 187 Md. 115 (1946); *Kenneweg v. Allegany Cnty. Comm’rs*, 102 Md. 119 (1905). When asked at oral argument to give the term a meaning applicable to elections, Counsel for the 1773 Plaintiffs could only say “purity means purity.”

The phrase “purity” of elections was added to the Maryland Constitution of 1864, where the explicit language directed the General Assembly to preserve the “purity of elections.” MD. CONST. of 1864, art. III, § 41 (directing the General Assembly to “pass laws for the preservation of the purity of elections by the registration of voters”). The provision focused on voter registration, with the purpose of excluding ineligible voters from the election process.

The language of what is now Article I, Section 7, has changed since its enactment in the Maryland Constitution of 1864. Article III, § 41 of the Constitution of 1864, in whole, directed the General Assembly to “pass laws for the preservation of the purity of elections by the registration of voters, and by such other means as may be deemed expedient, and to make effective the provisions of the Constitution disfranchising certain persons, or disqualifying them from holding office.” Article III, § 41, was renumbered in the 1867 amendment, to Article III, Section 42, which provided, “[t]he General Assembly shall pass Laws necessary for the preservation of the purity of Elections.” MD. CONST. of 1867, art. III, § 42. Article III, § 42, was, again, renumbered and amended by Chapter 681, Acts of 1977, ratified Nov. 7, 1978, to Article I, § 7, which now provides, “[t]he General Assembly shall pass Laws necessary for the preservation of the purity of Elections.” MD. CONST. art. 1, § 7.

Cases interpreting Article I, Section 7, have applied the Section to the registration of voters, *Anderson*, 23 Md. at 586 (concurring opinion), improper financial campaigns contributions, *Cnty. Council for Montgomery Cnty.*, 274 Md. at 60–65; see also *Higinbothom*, 187 Md. at 130 (“The Corrupt Practices Act is a remedial measure and should be liberally construed in the public interest to carry out its purpose of preserving the purity of elections.”).

From its legislative history, the language of “purity of elections” referred to questions involving the *individual* candidate and the *individual* voter. The only assumption tendered by the 1816 Plaintiffs to support that partisan gerrymandering affected the “purity” of elections was that such gerrymandering was *ipso facto* corrupt.
(continued . . .)

With respect to the 1816 Complaint, alternatively, this Court assumed the truth of all well pleaded relevant and material facts and all inferences that reasonably can be drawn therefrom and determined that the Complaint stated a cause of action under each of the equal protection clause, MD. CONST. DECL. OF RTS. art. 24, and the free speech clause, MD. CONST. DECL. OF RTS. art. 40, which subjects the 2021 Plan to strict scrutiny by this Court.

Alternatively, with respect to the 1773 and 1816 Complaints, this Court assumed the truth of all the well pleaded relevant and material facts and all inferences that reasonably can be drawn therefrom and determined that both Complaints stated a cause of action under the entirety of the Maryland Constitution and Declaration of Rights to determine the lawfulness of the 2021 Plan.

The Provisions in the Maryland Constitution and Declaration of Rights

In reviewing whether political considerations have run afoul of constitutional mandates in the instant case, we must undertake the task of constitutional interpretation. “Our task in matters requiring constitutional interpretation is to discern and then give effect to the intent of the instrument’s drafters and the public that adopted it.” *State Bd. of Elections v. Snyder ex rel. Snyder*, 435 Md. 30, 53 (2013) (citing *Fish Mkt. Nominee Corp. V. G.A.A., Inc.*, 337 Md. 1, 8–9 (1994)). We first look to the natural and ordinary meaning of the provision’s language. *Id.* If the provision is clear and unambiguous, the Court will not infer the meaning from sources outside the Constitution itself. *Id.* “[O]ccasionally we see fit to examine extrinsic sources of legislative intent merely as a check of our reading of a statute’s plain language,” including “archival legislative history.” *Phillips v. State*, 451 Md. 180, 196–97 (2017). Archival legislative history

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That assumption has not been borne out by review of over 200 cases addressing partisan gerrymandering, none of which characterized the practice as “corrupt.”

includes legislative journals, committee reports, fiscal notes, amendments accepted or rejected, the text and fate of similar measures presented in earlier sessions, testimony and comments offered to the committees that considered the bill, and debate on the floor of the two Houses (or the Convention). *State v. Phillips*, 457 Md. 481, 488 (2018).

The rules of statutory construction are well known. Yet, when applying the rules of statutory construction to the interpretation of constitutional provisions, the approach is more nuanced. That approach was described in *Johns Hopkins Univ. v. Williams*, 199 Md. 382 (1952):

[C]ourts may consider the mischief at which the provision was aimed, the remedy, the temper and spirit of the people at the time it was framed, the common usage well known to the people, and the history of the growth or evolution of the particular provision under consideration. In aid of an inquiry into the true meaning of the language used, weight may also be given to long continued contemporaneous construction by officials charged with the administration of the government, and especially by the Legislature.

Id. at 386–87.

To construe a constitution, “a constitution is to be interpreted by the spirit which vivifies, and not by the letter which killeth.” *Snyder ex rel. Snyder*, 435 Md. at 55 (quoting *Bernstein v. State*, 422 Md. 36, 56 (2011)). Similarly, we do not read the constitution as a series of independent parts; rather, constitutional provisions are construed as part of the constitution as a whole. *Id.* Further, if a constitutional provision has been amended, the amendments “bear on the proper construction of the provision as it currently exists,” and in such a situation, “the intent of the amenders ... may become paramount.” *Norino Properties, LLC v. Balsamo*, 253 Md. App. 226, (2021) (quoting *Phillips*, 457 Md. at 489). We keep in mind that the courts shall construe a constitutional provision in such a manner that accomplishes in our modern society the purpose for which the provisions were adopted by the drafter, and in doing so, the provisions “will be

given a meaning which will permit the application of those principles to changes in the economic, social, and political life of the people, which the framers did not and could not foresee.” *Bernstein v. State*, 422 Md. 36, 57 (2011) (quoting *Johns Hopkins Univ.*, 199 Md. at 386).

We recognize that “a legislative districting plan is entitled to a presumption of validity” but “that the presumption “may be overcome when compelling evidence demonstrates that the plan has subordinated mandatory constitutional requirements to substantial improper alternative considerations.”” *In re Legislative Districting of State*, 370 Md. at 373 (quoting *Legislative Redistricting Cases*, 331 Md. 574, 614 (1993)).

Article III, Section 4 of the Maryland Constitution

Article III, Section 4 of the Maryland Constitution provides:

Each legislative district shall consist of adjoining territory, be compact in form, and of substantially equal population. Due regard shall be given to natural boundaries and the boundaries of political subdivisions.

MD. CONST. art. III, § 4. The 1773 Plaintiffs assert a direct claim under Article III, Section 4, of the Maryland Constitution and urge that the plain meaning of the term “legislative district” corresponds to any legislative district in the State, which must be subject to the standards of adjoining territory, compactness, and equal population with due regard given to natural boundaries of political subdivisions. The 1773 Plaintiffs allege the new Congressional districts under the 2021 Plan violate the requirements of Article III, Section 4. *1773 Compl.* ¶¶ 93–97.¹⁴

Defendants claim that the text of Article III, Section 4, is limited to State legislative districting because the term “legislative districts” refers “unambiguously to State legislative districts” whenever it appears in other provisions of the Constitution, and that when Congress is referred to the “c” is capitalized. *1773 Defs.’ Mot. Dismiss* at 2. The Defendants argue that although a 1967 constitutional convention proposed a draft that included Constitutional standards for both state districts and Congressional districting, the voters rejected the draft and that the General Assembly drew the current Article III, Section 4 without reference to Congressional redistricting to enable the 1969 amendments to the Constitution to be adopted. *1816 Defs.’ Mot. Dismiss* at 19–22.

¹⁴ The 1816 Plaintiffs do not assert a claim under Article III, Section 4, of the Maryland Constitution. *1816 Opp’n Mot. Dismiss* at 10 n.3.

The term “legislative district” is the gravamen of analysis. There is no definition of the term “legislative district” in the Maryland Constitution or Declaration of Rights. Absent a definition, in light of the differing ways the term could be applied, *i.e.*, as State legislative districts and/or Congressional districts, the language is ambiguous.¹⁵

The “compactness” requirement was added to then extant Article III, Section 4, by the General Assembly in 1969 and ratified by the voters in 1970 (the “1970 Amendment”), as part of a series of amendments to the entirety of Article III. *See* 1969 Md. Laws ch. 785, ratified Nov. 3, 1970 (proposing the repeal of MD. CONST., art. III, §§ 2, 4, 5, and 6, and replacement with new §§ 2 through 6). Its framers recognized that “compactness requirement in state constitutions is intended to prevent political gerrymandering.” *Matter of Legislative Districting of State* (“1984 Legislative Districting”), 299 Md. 658, 687 (1984). Prior to this amendment, Article III, Section 4 required districts to be “as near as may be, of equal population” and “always consist of contiguous territory,” and only applied to the “existing Legislative Districts of the City of Baltimore.” MD. CONST. art. III, § 4 (1969).¹⁶

¹⁵ The State has posited the importance of the exclusion of the word “Congress” in Article III, Section 4 to specifically include reference to Congressional districts. Neither the word Congress nor State, General Assembly, Senate, or House of Delegates appears in Article III, Section 4, unlike other Constitutional provisions or importantly, in Section 4 itself. *See, e.g.*, MD. CONST. art. I, § 6 (using the term “Congress”); art. III, § 10 (using the term “Congress”); art. IV, § 5 (using the term “Congress”); art. XI-A, § 1 (using the term “congressional election”); art. XVII, § 1 (using the term “congressional elections”); art. III, § 3 (using the terms “State,” “Senate” and “House of Delegates”); art. III, § 5 (using the terms “State,” “General Assembly,” “Senate,” and “House of Delegates”); art. III, § 6 (using the terms “General Assembly” and “delegate”); art. III, § 13(b) (using the terms “Legislative” and “Delegate district”); and art. XIV, § 2 (using the terms “General Assembly,” and “Legislative District of the City of Baltimore”).

¹⁶ Prior to 1966, Baltimore City was the only jurisdiction in the State in which Delegates were elected to represent discreet legislative districts; Delegates representing other counties were elected by the voters of those counties at large. *See* MD. CONST. art. III, § 5 (1965) (“The members of the House of Delegates shall be elected by the qualified voters of the Counties, and the Legislative Districts of Baltimore City, respectively”); 1965 Md. Laws special session, chs. 2, 3 (requiring the first time that counties allocated more than eight delegates be divided

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The present complete version of Article III, Section 4 was enacted in 1972 and ratified by the voters on November 7, 1972. In enacting the present version in 1972, the General Assembly “is presumed to have full knowledge of prior and existing law on the subject of a statute it passes.” *Id.*; see also *Bowers v. State*, 283 Md. 115, 127 (1978) (“[T]he Legislature is presumed to have had full knowledge and information as to prior and existing law on the subject of a statute it has enacted.”); *Harden v. Mass Transit Admin.*, 277 Md. 399, 406-07 (1976) (“The General Assembly is presumed to have had, and acted with respect to, full knowledge and information as to prior and existing law and legislation on the subject of the statute and the policy of the prior law.”).¹⁷ With respect to this knowledge, it is clear that they were aware of

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into districts). The “contiguity” or “equal population” requirements of the early Article III, § 4, did not apply to any “legislative district” outside of Baltimore City.

¹⁷ The State agreed during oral argument on the Motion to Dismiss that cases of the Supreme Court in the 1960s regarding redistricting informed the adoption of the present version of Article III, Section 4:

THE COURT: In doing research on Article III, Section 4, of the Maryland Constitution, it has come to the Court’s attention that one of the reasons for enacting this provision was the Legislature’s knowledge—which we presume—of the Supreme Court’s cases. That is my understanding, is it yours?

MR. TRENTO, ON BEHALF OF THE STATE: Yes, Your Honor, the Supreme Court’s cases were in the front and center of the minds of the 1967 Constitutional Convention. In that Convention, the sweep of amendments to Article III, Sections 3 through 6, were expressly undertaken to address the Supreme Court jurisprudence from the 1960s.

Mot. Dismiss Hearing, 02/23/2022. In the 1967 Constitutional Convention, the Supreme Court cases referencing legislative redistricting were prominent. The delegates in the Proceedings and the Debates of the 1967 Constitutional Convention referenced prior Supreme Court jurisprudence on numerous occasions: *Proceedings and Debates of the 1967 Constitutional Convention*, 104 MD. STATE ARCHIVES, Vol. 1, *Debates* 412, 3255; 104 MD. STATE ARCHIVES 2267, 10853. During the 1967 Constitutional Convention, Delegate John W. White, in response to a question regarding his intent regarding a provision stated:

DELEGATE WHITE: What I am trying to do is to have all of Maryland line up with the position of the Supreme Court of the United States, which has said that one person should have one vote.

Proceedings and Debates of the 1967 Constitutional Convention, 104 MD. STATE ARCHIVES 7879,

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Baker v. Carr, 369 U.S. 186 (1962), involving state legislative districts,¹⁸ as well as *Wesberry v. Sanders*, 376 U.S. 1 (1964), a Congressional districting case.¹⁹

With reference to Supreme Court jurisprudence that is the context of the 1967 to 1972 Amendments to Article III, Section 4, one early case—*Baker v. Carr*—involved the apportionment of the Tennessee legislature. The federal district court dismissed the complaint in apparent reliance on the legal process theory of political justiciability, but the Supreme Court reversed. *Baker v. Carr*, 179 F. Supp. 824, 828 (M.D. Tenn. 1959), *rev'd*, 369 U.S. 186 (1962). Importantly, the Supreme Court’s decision only dealt with procedural issues: jurisdiction, standing, and justiciability. *Baker*, 369 U.S. at 198–237. It held by a 6–2 vote that the court had jurisdiction, plaintiffs had standing, and the challenge to apportionment did not present a nonjusticiable “political question.” *Id.* at 204, 206, 209.

The Supreme Court, thereafter, confronted the apportionment of Congressional districts in *Wesberry v. Sanders* in 1964 and held that Congressional apportionment cases were justiciable, noting that there is nothing providing “support to a construction that would immunize state congressional apportionment laws which debase a citizen’s right to vote from the power of courts to protect the constitutional rights of individuals from legislative destruction.” 376 U.S. at 6–7. The Court ultimately applied the “one-person, one-vote” rule to apportionment of

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<https://perma.cc/JG3T-KV3J> (last visited March 23, 2022). During the Proceedings and Debates of the 1967 Constitutional Convention, the delegates proposed constitutional amendments regarding Congressional districting, however, the amendments failed subsequent enactment and were, ultimately, not included in the adopted 1970 and 1972 versions of Article III, Section 4.

¹⁸ *Proceedings and Debates of the 1967 Constitutional Convention*, 104 MD. STATE ARCHIVES, Vol. 1, Debates 412, 499.

¹⁹ *Proceedings and Debates of the 1967 Constitutional Convention*, 104 MD. STATE ARCHIVES 10863–64.

Congressional districts, explaining that “the [Constitutional] command that representatives be chosen by people of the several states means that as nearly as practicable one man’s vote in a Congressional election is to be worth as much as another’s.” *Id.* at 7–8. The Court believed that “a vote worth more in one district than in another would run . . . counter to our fundamental ideas of democratic government.” *Id.* at 8. The opinion rested on the interpretation of the Elections Clause in Article I, Section 4 of the Constitution. *Id.* at 6–7.

On April 7, 1969, another Congressional districting case was decided. In *Kirkpatrick v. Preisler*, 394 U.S. 526 (1969), a decision involving Congressional districting in Missouri, the Supreme Court held that the “as nearly as practicable” standard “requires that the State make a good-faith effort to achieve precise mathematical equality. Unless population variances among congressional districts are shown to have resulted despite such effort, the State must justify each variance, no matter how small.” *Kirkpatrick*, 394 U.S. at 530–31.

The context, therefore, of the 1967 through 1972 amending process of Article III, Section 4, was the Supreme Court cases in which state legislative districts, but also Congressional districts, were decided.

The State posits, however, that the Legislature really intended on omitting Congressional districts in the later versions of Article III, Section 4 enacted in 1969 and 1972 because an earlier version from 1967 of Section 4 included a specific reference to Congressional districts, *see* PROPOSED CONST. OF 1967–68, §§ 3.05, 3.07, 3.08, 605 MD. STATE ARCHIVES 9–10, and another section that had a specific reference to the State, *see* PROPOSED CONST. OF 1967–68, § 3.04, 605 MD. STATE ARCHIVES 9. The failed passage of the earlier draft Constitution, which included these phrases, however, does not have any bearing on the analysis of what the Legislature

intended in adopting the 1970 or 1972 versions of Article III, Section 4, because “[f]ailed efforts to amend a proposed bill, however, are not conclusive proof usually of legislative will. . . . This is because there can be a myriad of reasons that could explain the Legislature's decision not to incorporate a proposed amendment.” *Antonio v. SSA Sec., Inc.*, 442 Md. 67, 87 (2015). Most importantly, “[i]f the framers desired” to exclude Congressional redistricting from Article III, Section 4, “they knew how to do so.” *Schisler v. State*, 394 Md. 519, 594–95 (2006).²⁰

The Legislature, keenly aware of its ability to restrict or expand the application of Article III, Section 4, chose not to explicitly exclude Congressional districts from the purview of Article III, Section 4, nor just reference State legislative districts. As a result, “legislative districts” includes Congressional districts. A claim, thus, has been stated under Article III, Section 4.

²⁰ Interestingly, the early language in a bill introduced in 1972 included the words Senators and Delegates to alter Article III, Section 4:

Each legislative district shall consist of adjoining territory and shall be compact in form. The ratio of the number of Senators to population shall be substantially the same in each legislative district; the ratio of the number of Delegates to population shall be substantially the same in each legislative district. Nothing herein shall be construed to require the election of only one Delegate from each legislative district.

Amendments to Maryland Constitutions, 380 MD. STATE ARCHIVES, 489. The final adopted version contained no mention of, nor reference to, “Senator” or “Delegate.”

Nexus Between Articles 7 and 24 of the Declaration of Rights and Article III, Section 4 of the Constitution

The standards of Article III, Section 4 are also applicable on an alternate basis, to evaluate the constitutionality of the 2021 Plan because the Free Elections Clause, Article 7 of the Maryland Declaration of Rights, which has been alleged in the 1773 and 1816 Complaints, as well as the Equal Protection Clause, Article 24 of the Maryland Declaration of Rights, as averred in the 1816 Complaint, each implicate the use of the Section 4 criteria. Assuming either clause is applicable,²¹ its application to the lawfulness of the 2021 Plan can only be made manifest by use of the standards in Article III, Section 4.

The methodology of drawing a nexus between a “standards” clause and its facilitating constitutional provision is exactly what Judge John C. Eldridge, writing on behalf of the Court, did in *Md. Green Party v. Md. Bd. of Elections*, 377 Md. 127 (2003), between the Free Elections Clause and Section 1 of Article I of the Constitution²² as well as the Equal Protection Clause and Section 2 of Article I of the Constitution.²³

²¹ The applicability of the Free Elections Clause and the Equal Protection Clause will be addressed separately, *infra*.

²² Article I, Section 1 of the Maryland Constitution, provides:

All elections shall be by ballot. Every citizen of the United States, of the age of 18 years or upwards, who is a resident of the State as of the time for the closing of registration next preceding the election, shall be entitled to vote in the ward or election district in which he resides at all elections to be held in this State. A person once entitled to vote in any election district, shall be entitled to vote there until he shall have acquired a residence in another election district or ward in this State.

²³ Article I, Section 2 of the Maryland Constitution, provides:

Except as provided in Section 2A of this Article, the General Assembly shall provide by law for a uniform Registration of the names of all the voters in this State, who possess the qualifications prescribed in this Article, which Registration shall be conclusive evidence to the Judges of Election of the right of every person, thus registered, to vote at any election thereafter

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Green Party involved the constitutional validity of various provisions of the Election Code which governed the method by which a party, other than a “principal political party,” could nominate a candidate for a Congressional seat. *Id.* at 140. The Green Party, however, had been notified that the name of its candidate could not be placed on the ballot because the Board of Elections was unable to verify a number of signatures on the nominating petition and, as a result, the petition contained less than the number required to vote. *Id.* at 137. The Board posited a number of reasons for denying the adequacy of the number of signatures, but the seminal reason addressed in the opinion was that many of the petition signatures were those who appeared on an inactive voter registry, which did not qualify them to sign a petition as a “registered voter” pursuant to Section 1-101(gg) of the Election Code.

In addressing whether the Free Elections Clause was violated by the provision regarding an inactive voter registry, Judge Eldridge applied the standards in Article I, Section 2 of the Constitution, which, he explained, “contemplates a *single* registry for a particular area, containing the names of *all* qualified voters[.]” *Id.* at 142. (italics in original). Remarking that the statute created a class of “second class” citizens comprised of inactive voters, Judge Eldridge determined that Article 7 had been violated. *Id.* at 150. In so doing, his determination was premised on a line of cases in which adherence with the strictures of the Free Elections Clause was informed by standards set forth in Constitutional Clauses. *Id.* at 144 (citing *Gisriel v. Ocean*

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held in this State; but no person shall vote, at any election, Federal or State, hereafter to be held in this State, or at any municipal election in the City of Baltimore, unless the person's name appears in the list of registered voters; the names of all persons shall be added to the list of qualified voters by the officers of Registration, who have the qualifications prescribed in the first section of this Article, and who are not disqualified under the provisions of the second and third sections thereof.

City Bd. of Supervisors of Elections, 345 Md. 477 (1997) (rejecting provision in an Ocean City Charter that failure to vote in two previous elections rendered a person unqualified to vote in municipal elections, based on Sections 1 and 4 of Article of the Constitution and Article 7 of the Declaration of Rights); *State Admin. Bd. of Election Laws v. Bd. of Supervisors of Balt. City*, 342 Md. 586 (1996) (holding that “having voted frequently in the past is not a qualification for voting,” under Article I, Section 1 of the Constitution and Article 7 of the Declaration of Rights); *Jackson v. Norris*, 173 Md. 579 (1937) (recognizing nexus between the Free Elections Clause and the mandate in Section 1 of Article 1 of the Constitution, that “elections shall be by ballot”). Judge Eldridge also utilized the standards in Section 1 of Article I to determine that a registry of inactive voters was “flatly inconsistent” with Article 24 of the Declaration of Rights, the Equal Protection Clause.²⁴ *Id.* at 150.

It is clear, then, that our Free Elections Clause, as well as the Equal Protection Clause implicate the use of standards contained in the Constitution in order to determine a violation of each. So is the case in their application in the instant case, in which implementation of their provisions can be determined in reference to Article III, Section 4.²⁵

²⁴ As discussed, *infra*, Judge Eldridge also utilized the Equal Protection Clause, Article 24, to evaluate whether the requirement that the Green Party, as a non-principle party, was constitutionally required to submit not only 10,000 signatures on a petition to be recognized as a political party and then provide a second petition to nominate its candidate.

²⁵ The Supreme Court of Pennsylvania, in *League of Women Voters of Pa. v. Commonwealth*, 645 Pa. 1 (2018), utilized a framework similar to that implemented in *Md. Green Party v. Md. Bd. of Elections*, 377 Md. 127 (2003), when it looked to standards delineated in Article 2, Section 16 of its Constitution – defining criteria to be used in drawing state legislative districts – in order to measure Congressional District Plan, which had been enacted by its Legislature, complied with the Free Elections Clause contained in Pennsylvania’s Declaration of Rights.

Article 7 of the Maryland Declaration of Rights

Article 7 of the Maryland Declaration of Rights, entitled “Elections to be free and frequent; right of suffrage,” provides:

That the right of the People to participate in the Legislature is the best security of liberty and the foundation of all free Government; for this purpose, elections ought to be free and frequent; and every citizen having the qualifications prescribed by the Constitution, ought to have the right of suffrage.

The 1816 Plaintiffs assert that the 2021 Plan violates the Free Elections Clause in several ways, including that the 2021 Plan “unlawfully seeks to predetermine outcomes in Maryland’s congressional districts.” They also allege that the 2021 Plan violates Article 7, because it is not based upon “well-established traditions in Maryland for forming congressional districts[,]” including compactness, adjoining territory, and respect for natural and political boundaries. They specifically allege that the boundary of the First Congressional District, which they aver is the only district in which a Republican is the incumbent, was redrawn “to make even that district a likely Democratic seat.” As a result, they allege that “the citizens of Maryland, including Plaintiffs, with a right to an equally effective power to select the congressional representative of their choice,” have been deprived of their right to elections, which are “free.” They contend that Article 7 “prohibits the State from rigging elections in favor of one political party[,]” and conclude that, “any election that is poisoned by political gerrymandering and the intentional dilution of votes on a partisan basis is not free.”

The 1773 Plaintiffs assert that the 2021 Plan “subordinate[s]” the requirement, under Article 7 of the Declaration of Rights, that elections be “free and frequent” to “improper considerations,” namely the manipulation of Congressional district boundaries so that they will

be unable “to cast a meaningful and effective vote for the candidates they prefer.” Additionally, these Plaintiffs allege that Congressional district boundaries that are not based on criteria, such as compactness and the minimization of crossing political boundaries, result in elections that are inherently not “free” and, therefore, violate Article 7.

The State, conversely, argued that the 2021 Congressional Plan does not violate the Free Elections Clause of Article 7, because that Section applies only to state elections. The State observes that the capitalization of “L” in “Legislature,” is a direct reference to the General Assembly. Additionally, the State asserts that the legislative history of Article 7, particularly surrounding debates regarding the frequency of elections, indicates that the Free Elections Clause could not apply to federal elections, “for which the State is powerless to control the frequency.”

With respect to the use of a capital “L” in “Legislature,” in the Free Elections Clause, as reflecting only a reference to the state legislature, the State’s contention is belied by its own language. Article 7, as it was originally adopted in 1776, was meant to secure a right of participation:

That the right of the People to participate in the Legislature is the best security of liberty and the foundation of all free Government; for this purpose, elections ought to be free and frequent; and every citizen having the qualifications prescribed by the Constitution, ought to have the right of suffrage.

The language of Article 7 enunciated a foundational right to vote for the only entity for which the citizens of Maryland in 1776 had a participatory ability to elect through voting, the Legislature. The reference to “Legislature,” then, refers to the only entity for which there was any accountability through suffrage.

The purpose of the Free Elections Clause relative to partisanship, as alleged in the complaints, heretofore has not been the subject of judicial scrutiny. During the Constitutional Convention of 1864, however, proposals to amend Article I of the Constitution, to create a registry of voters whereby voters would be required to pledge a loyalty oath as a prerequisite to voting were hotly debated and the effect of "partisan oppression" on free elections was explored. Proponents of the amendments sought to exclude supporters of the Confederacy, who, by the terms of the oath, would be disqualified from voting. *Proceedings and Debates of the 1864 Constitutional Convention*, Volume 1 at 1332. Those opposed to the loyalty oath argued that it would be counter to the purpose of "free elections." *Id.* at 1332. One delegate noted that the loyalty oath presupposed that,

there are now in the State of Maryland enjoying the right of suffrage under the present constitution, ten distinct classes of persons who deserve to be disfranchised from hereafter exercising that right. They . . . are to be under a government by others, in which they are to have no voice, in which they are not to be allowed to participate in any shape or form.

Id. In the same debate, another delegate, Mr. Fendall Marbury, decried the imposition of a loyalty oath as a means of oppression, in contravention to the right to participate in free elections:

The right of free election lies at the very foundation of republican government. It is the very essence of the constitution. To violate that right, and much more to transfer it to any other set of men, is a step leading immediately to the dissolution of all government. The people of Maryland have always in times past, guarded with more than vestal care this fundamental principle of self-government. By constitutional provisions and legislative enactments, they have sought to provide against every conceivable effort that might be made to suppress the voice of the people. They have spurned the idea of excluding any one on account of his religious or political opinions. Is it not unwise and impolitic to depart from this established policy of the State, by introducing words into our

Article 24 of the Maryland Declaration of Rights, Equal Protection

Article 24 of the Maryland Declaration of Rights, entitled “Due process,” provides:

That no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or, in any manner, destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the land.

Although Article 24 does not contain language of “equal protection,” the Court of Appeals has long held that “equal protection” is embodied in it: “we deem it settled that this concept of equal treatment is embodied in the due process requirement of Article 24 of the Declaration of Rights. *Att’y Gen. of Md. v. Waldron*, 289 Md. 683 (1981); *Bd. of Supervisors of Elections of Prince George’s Cnty. v. Goodsell*, 284 Md. 279, 293 n.7 (1979) (“[W]e have regularly proceeded upon the assumption that the principle of equal protection of the laws is included in Art. [24] of the Declaration of Rights.”).

The 1816 Plaintiffs assert that the 2021 Plan violates Article 24 by unconstitutionally discriminating against Republican voters, including Plaintiffs, and infringing on their fundamental right to vote. Specifically, these Plaintiffs assert that the 2021 Plan intentionally discriminates against Plaintiffs by diluting the weight of their votes based on party affiliation and depriving them of the opportunity for full and effective participation in the election of their Congressional representatives. These Plaintiffs add that the 2021 Plan unconstitutionally degrades Plaintiffs’ influence on the political process and infringes on their fundamental right to have their votes count fully. The State, in response, asserts that the Plaintiffs have offered no basis for an interpretation broader than that by the Supreme Court of the Fourteenth Amendment

in *Rucho*. The State posits, though, that the scope of equal protection in Maryland is the same as that which is embodied in the federal constitution in the Fourteenth Amendment.

The essence of equal protection is that “all persons who are in like circumstances are treated the same under the laws.” *Hornbeck v. Somerset Cnty. Bd. of Educ.*, 295 Md. 597, 640 (1983). The treatment of similarly situated people under the law, clearly, cannot be denied in Maryland, in derogation of the Fourteenth Amendment; it also is clear that Maryland can afford greater protection to its citizens under Article 24 of the Declaration of Rights. In this regard, we need only look at various cases of the Court of Appeals in which the Court was clear that Article 24 and the equal protection clause of the Fourteenth Amendment are “independent and capable of divergent application.” *Waldron*, 289 Md. at 704; *see also Md. Aggregates Ass’n, Inc. v. State*, 337 Md. 658, 671 n.8 (1995) (explaining the relationship between applications of equal protection guarantees under the Fourteenth Amendment and Article 24 of the Declaration of Rights); *Verzi v. Balt. Cnty.*, 333 Md. 411, 417 (1994) (stating that “a discriminatory classification may be an unconstitutional breach of the equal protection doctrine under the authority of Article 24 alone.” (quoting *Waldron*, 289 Md. at 715)); *Hornbeck*, 295 Md. at 640 (stating that “the two provisions are independent of one another, and a violation of one is not necessarily a violation of the other.”).

Notably, in *In re 2012 Legislative Districting*, 436 Md. 121 (2013), Chief Judge M. Bell, writing for the Court of Appeals, assumed that Article 24 could embody a greater right than is afforded under the Fourteenth Amendment when he said: “The potential violation of Article 24 of the Maryland Declaration of Rights is not discussed at length in this case because the petitioners do not assert any greater right under Article 24 than is accorded under both the

Federal right and the population equality provision of Article III, § 4 of the Maryland Constitution.” *Id.* at 159 n.25.

The State, however, during argument regarding the Motion to Dismiss, attempted to distinguish what the Court of Appeals said in Footnote 25 in the 2012 redistricting case, by urging that the pivotal quote was addressing only a racial gerrymandering issue, rather than partisan gerrymandering. It is notable, however, that in deriving the notion that Article 24 could embody a greater breadth of protection than is afforded by the Fourteenth Amendment, the Court of Appeals cited to *Md. Aggregate's Ass'n, supra*, (quoting *Murphy v. Edmonds*, 325 Md. 342, 354–55 (1992)), neither of which involved any racial differentiation.

Obviously, it cannot be lost to anyone that Article 24 was assumed to be applicable in a redistricting context in the 2012 redistricting case. *Id.* Article 24, moreover, has also been applied in various election and voting right contexts prior to 2012. *See Nader for President 2004 v. Md. State Bd. of Elections*, 399 Md. 681, 686 (2007) (Presidential elections); *DuBois v. City of College Park*, 286 Md. 677 (1980) (election for City Council); *Goodsell*, 284 Md. at 281 (election for County Executive).

Moreover, in *Green Party*, which is of particular significance to the instant case, Judge John C. Eldridge, writing for the Court, addressed whether a statutory scheme comported with equal protection under Article 24 and analyzed the issue using two distinct approaches, both of which are applicable in the instant case.

In 2000, the Maryland Green Party sought to place its candidate on the ballot for the U.S. House of Representatives seat in Maryland’s first congressional district. *Green Party*, 377 Md. at 136. The Green Party needed initially to be recognized as a political party within the state,

which, pursuant to Section 4-102 of the Election Code, required it to submit a petition to the State Board of Elections that included “the signatures of at least 10,000 registered voters who are eligible to vote in the State as of the 1st day of the month in which the petition is submitted.” *Id.* at 135-36. In August of 2000, the Green Party’s petition was accepted, and it became “a statutorily-recognized ‘political party[.]’” *Id.* at 135 n.3 (quoting Section 1-101(aa) of the Election Code).

In order to nominate a candidate, however, the Green Party was then required to submit a second petition to the Board of Elections, which, pursuant to Section 5-703(e) of the Election Code, was to be accompanied by signatures of “not less 1% of the total number of registered voters who are eligible to vote for the office for which the nomination by petition is sought[.]” *Id.* at 137 n.6. “On August 7, 2000, the [Green Party] submitted a timely nominating petition containing 4,214 signatures of voters purporting to be registered in Maryland’s first congressional district,” *id.* at 137, but the petition was rejected by the Board of Elections. Alleging that “it could verify only 3,081 valid signatures, fewer than the 3,411 required by Maryland’s 1% nomination petition requirement,” the Board reasoned that “many signatures were ‘inactive’ voters” and ineligible to sign nominating petitions. *Id.* The basis for the Board’s rationale was that, under the provisions of Section 3-504 of Election Code, if a sample ballot, which “the local boards customarily mail out . . . to registered voters prior to an election[.]” were “returned by the postal service” and the voter then “fail[ed] to respond to [a] confirmation notice,” the voter’s name would be placed on “the ‘inactive voter’ registration list.” *Id.* at 147. Persons on the inactive voter list, pursuant to Sections 3-504(f)(4) of the Election Code, would “not be counted as part of the registry [of voters],” and under Section 3-504(f)(5), their

signatures were not to “be counted . . . for official administrative purposes as petition signature verification[.]” *Id.* at 150.

In addressing the constitutionality of Section 3–504 of the Election Code, which established an inactive voter registry, which essentially disenfranchised voters, Judge Eldridge applied the standards of Section 2 of Article I of the Constitution, which required:

Except as provided in Section 2A of this Article, the General Assembly shall provide by law for a uniform Registration of the names of all the voters in this State, who possess the qualifications prescribed in this Article, which Registration shall be conclusive evidence to the Judges of Election of the right of every person, thus registered, to vote at any election thereafter held in this State; but no person shall vote, at any election, Federal or State, hereafter to be held in this State, or at any municipal election in the City of Baltimore, unless the person's name appears in the list of registered voters; the names of all persons shall be added to the list of qualified voters by the officers of Registration, who have the qualifications prescribed in the first section of this Article, and who are not disqualified under the provisions of the second and third sections thereof.

In applying the standards of Section 2, Judge Eldridge declared Section 3–504 of the Election Code unconstitutional, because that Section “create[d] a group of ‘second-class citizens’ comprised of persons who are ‘inactive’ voters and thus not eligible to sign petitions[.]” and was “flatly inconsistent with Article 24 of the Declaration of Rights. *Id.* at 150. In explaining how the inactive voter list failed to comport with the Constitutional standards, Judge Eldridge explained that Section 2 of Article I, which instructs the General Assembly to create a uniform registry of voters,

contemplates a single registry for a particular area containing the names of all qualified voters, leaving the General Assembly no discretion to decide who may or may not be listed therein, no discretion to create a second registry for inactive voters, and no authority to decree that an “inactive” voter is not a “registered voter” with the rights of a registered voter.

Id. at 143. A nexus between the Equal Protection Clause and a standards clause, therefore, was established.

Judge Eldridge, thereafter, explored another methodology to apply equal protection to evaluate Green Party's claim that the required submission of two petitions in order to nominate its candidate violated Article 24, because it treated principal political parties differently from minor political parties. *Id.* at 159. The Green Party had argued that "once a group has submitted the required 10,000 signatures to receive official recognition as a political party, . . . no further showing of support should be necessary for the name of a minor political party's candidate to be on the ballot." *Id.* at 153. The Board of Elections countered that the second petition was necessary to ensure that a minor party had "a significant modicum of public support," in order to prevent "frivolous" candidates from appearing on ballots. *Id.* at 153–54.

In addressing the question, Judge Eldridge approached the issue through the strict scrutiny lens and required the State to present a compelling interest. In so doing, he determined that the requirement that the Green Party submit one petition to form a political party and then a second petition to nominate a candidate, "discriminates against minor political parties in violation of the equal protection component of Article 24[.]" *Id.* at 156–57. Having identified the two-petition requirement as discriminatory, Judge Eldridge considered "the extent and nature of the impact on voters, examined in a realistic light," in order to determine the appropriate standard of review of the five-year registration requirement. *Id.* at 163 (quoting *Goodsell*, 284 Md. at 288). He then determined that, "the double petitioning requirement set forth by the Maryland Election Code denies ballot access to a significant number of minor political party candidates. On that basis, the challenged statutory provisions' impact on voters is substantial." *Id.*

Clearly, the 1816 Complaint, with respect to the equal protection principles embodied within Article 24 of the Declaration of Rights, has stated a cause of action to survive the Motion to Dismiss, assuming the truth of all well-pleaded relevant and material facts and all inferences that reasonably can be drawn therefrom.

Article 40 of the Maryland Declaration of Rights

The 1816 Plaintiffs' cause of action under Article 40 of the Maryland Declaration of Rights survived the Motion to Dismiss. Article 40, which pertains to freedom of speech and freedom of the press, provides:

That the liberty of the press ought to be inviolably preserved; that every citizen of the State ought to be allowed to speak, write and publish his sentiments on all subjects, being responsible for the abuse of that privilege.

MD. CONST. DECL. OF RTS. art. 40.

In their Complaint, the 1816 Plaintiffs allege that the 2021 Plan violates Article 40 by “burdening protected speech based on political viewpoint.” Specifically, they allege, the 2021 Plan benefits certain preferred speakers (Democratic voters), while targeting certain disfavored voters (e.g., Republican voters, including Plaintiffs) because of disagreement on the part of the 2021 Plan’s drafters with views Republicans express when they vote. *1816 Compl.* at ¶ 79. Plaintiffs aver that the 2021 Plan subjects Republican voters, including them, to disfavored treatment by “cracking”²⁷ them into specific congressional districts to dilute Republican votes and ensure that they are not able to elect a candidate who shares their views. *1816 Compl.* at ¶ 80. Therefore, Plaintiffs contend that the 2021 Plan has the effect of suppressing their political views and expressions and retaliates against them based on their political speech. *Id.* at ¶ 81.

Defendants argued in their Motion to Dismiss that the Plaintiffs’ claims under Article 40 purport to “parrot” free speech claims that are the same as those offered under the First Amendment to the United States Constitution, which the Supreme Court has rejected in the

²⁷ “A “cracked” district is one in which a party’s supporters are divided among multiple districts, so that they fall short of a majority in each; a “packed” district is one in which a party’s supporters are highly concentrated, so they win that district by a large margin, “wasting” many votes that would improve their chances in others.” *Rucho v. Common Cause*, ___ U.S. ___, ___, 139 S. Ct. 2484, 2492 (2019).

redistricting context. *See Rucho*, 139 S. Ct. at 2506–07. Defendants further assert that the because the Maryland Court of Appeals has generally treated the rights enshrined under Articles 40 as “coextensive” with its federal counterpart and has specifically adhered to Supreme Court guidance regarding partisan gerrymandering claims, the free speech cause of action should have been dismissed. *1816 Mot. Dismiss* at 3; *see generally 1816 Mot. Dismiss*, Section III.C.

Article 40 of the Maryland Declaration of Rights adopted in 1776, preceded its federal counterpart, adopted in 1788, thereby contributing to the foundations of the latter. Article 40 of Maryland’s Declaration of Rights has been generally regarded as coextensive with the First Amendment, but the Court of Appeals has recognized that Article 40 can have independent and divergent application and interpretation. *Dua v. Comcast Cable of Md., Inc.*, 370 Md. 604, 621 (2002) (“Many provisions of the Maryland Constitution . . . do have counterparts in the United States Constitution. We have often commented that such state constitutional provisions are *in pari materia* with their federal counterparts or are the equivalent of federal constitutional provisions or generally should be interpreted in the same manner as federal provisions. Nevertheless, we have also emphasized that, simply because a Maryland constitutional provision is *in pari materia* with a federal one or has a federal counterpart, does not mean that the provision will always be interpreted or applied in the same manner as its federal counterpart.”); *see also State v. Brookins*, 380 Md. 345, 350 n. 2 (2004) (“While Article 40 is often treated *in pari materia* with the First Amendment, and while the legal effect of the two provisions is substantially the same, that does not mean that the Maryland provision will always be interpreted or applied in the same manner as its federal counterpart.” (citing *Dua*, 370 Md. at 621)). The Court of Appeals has not shied away from “departing from the United States Supreme Court’s

analysis of the parallel federal right” when necessary “[to] ensure[] that the rights provided by Maryland law are fully protected.” *Doe v. Dep’t of Pub. Safety & Corr. Servs.*, 430 Md. 535, 550 (2013).

A violation of the free speech provision of Article 40 is implicated when there is interference with a citizen’s right to vote, which is a fundamental right. *Hornbeck*, 295 Md. at 641 (explaining that the right to vote is a fundamental right). We apply strict scrutiny when a legislative enactment infringes upon or interferes with personal rights or interests deemed to be “fundamental.” *Id.* at 641. When a legislative act, such as the 2021 Plan, creates Congressional districts that dilute the influence of certain voters based upon their prior political expression—their partisan affiliation and their voting history—it imposes a burden on a right or benefit, here a fundamental right. As a result, this Court, under Article 40, will apply strict scrutiny to the 2021 Plan.

Fundamental Principles Underlying the Maryland Constitution and the Declaration of Rights

The final basis upon which the Plaintiffs have stated a cause of action on which relief can be granted is through the lens of the entirety of our Constitution and Declaration of Rights, which provides a framework to determine the lawfulness of the 2021 Plan based upon their fundamental principles.²⁸ *Snyder ex rel. Snyder*, 435 Md. at 55 (“In construing a constitution, we have stated ‘that a constitution is to be interpreted by the spirit which vivifies[.]’” (quoting *Bernstein*, 422 Md. at 56)).

Plaintiffs argue that partisan gerrymandering is inconsistent with the principles embodied by the Free Elections Clause, the Equal Protection Clause, and the Free Speech Clause of the Declaration of Rights, because it usurps the power of the people to choose those who represent them in government and puts that power solely within the purview of the Legislature. *1816 Compl.* ¶ 2 (“Indeed, the 2021 Plan defies the fundamental democratic principle that voters should choose their representatives, not the other way around.”). They posit that usurping the power of voters to elect members of Congress violates the general principles upon which the structure of Maryland’s Government and its Constitution were founded.

In response, Defendants posit that judicially manageable standards do not exist under the Maryland Constitution, and further, applicable statutes adjudicating claims regarding Congressional districts do not exist in Maryland. *1816 Mot. Dismiss* at 3: As a result, Defendants

²⁸ *Whittington v. Polk*, 1 H. & J. 236, 241 (Md. Gen. 1802), in dictum, established in Maryland the idea of judicial review – that the courts are the primary interpreters and enforcers of the constitution. The General Court of Maryland explained that if an act of the Legislature is repugnant to the constitution, the courts have the power, and it is their duty, so to declare it. *Id.* The General Court realized that the “power of determining finally on the validity of the acts of the legislature cannot reside with the legislature . . . [because] they would become judges of the validity of their own acts, which would establish a despotism, and subvert that great principle of the constitution, which declares that the powers of making, judging, and executing the law, shall be separate and distinct from each other.” *Id.* at 243.

argue that Plaintiffs cannot seek relief under the Maryland Constitution or Declaration of Rights. *Id.* at 45. Instead, the State argues, either Congress or the General Assembly must decide to impose statutory restrictions or adopt constitutional amendments to regulate Congressional districting. *Id.* Until congressional or state action is taken, Defendants aver that Plaintiffs will continue to lack a remedy under the Maryland Constitution or Declaration of Rights. *Id.*

The Constitution and Declaration of Rights must be read together to determine the organic law of Maryland. The courts understood this rule of construction early on, explaining that “[t]he Declaration of Rights and the Constitution compose our form of government, and must be interpreted as one instrument.” *Anderson v. Baker*, 23 Md. 531, 612–13 (1865). Specifically, the court in *Anderson* explained that, “[t]he Declaration of Rights is an enumeration of abstract principles, (or designed to be so,) and the Constitution the practical application of those principles, modified by the exigencies of the time or circumstances of the country.” *Id.* at 627; *see also Bandel v. Isaac*, 13 Md. 202, 202–03 (1859) (“In construing a constitution, the courts must consider the circumstances attending its adoption, and what appears to have been the understanding of those who adopted it[.]”); and *Whittington v. Polk*, 1 H & J 236, 242 (1802) (stating that, “[t]he bill of rights and form of government compose the constitution of Maryland”).

More recently, the Court of Appeals has confirmed this rule of construction. In *State v. Smith*, 305 Md. 489 (1986), the court reiterated that it “bear[s] in mind that the Declaration of Rights is not to be construed by itself, according to its literal meaning; it and the Constitution compose our form of government, and they must be interpreted as one instrument.” *Id.* at 511

(explaining that the Declaration of Rights announces principles on which the form of government, established by the Constitution, is based).

While it is established that the Declaration of Rights and Constitution, together, form the organic law of our State, *Whittington*, 1 H & J at 242, the analysis then requires a review of the text, nature, and history of both documents. The text of the Maryland Constitution recognizes that “all Government of right originates from the people . . . and [is] instituted solely for the good of the whole; and [that citizens] have, at all times, the inalienable right to alter, reform, or abolish their Form of Government in such manner as they may deem expedient.” MD. CONST. DECL. OF RTS. art. 1. Its purpose “is to declare general rules and principles and leave to the Legislature the duty of preserving or enforcing them, by appropriate legislation and penalties.” *Bandel*, 13 Md. at 203. Moreover, it is well understood that the rights secured under the Maryland Declaration of Rights are regarded as very precious ones, to be safeguarded by the courts with all the power and authority at their command. *Bass v. State*, 182 Md. 496, 502 (1943). The framers ensured that the Declaration of Rights would be regarded as precious by enacting subsequent constitutional provisions to safeguard those rights. In that vein, the foundational significance of the right of suffrage is memorialized in the first Article of the Constitution, which pertains to the “Elective Franchise,” MD. CONST. art. I, and Article I of the Declaration of Rights, which locates the source of all “Government” in the people. MD. CONST. DECL. OF RTS. art. 1.

Popular sovereignty dictates that the “Government” of the people which “derives from them,” is properly channeled when our democratic process functions to reflect the will of the people. Although the Maryland Declaration of Rights, like the Constitution, is silent with respect to the right of its citizens to challenge the primacy of political considerations in drawing

legislative districts, the Declaration of Rights does memorialize that the people are guaranteed the right to wield their power through the elective franchise, thereby safeguarding the sacred principle that the government is, at all times, for the people and by the people. MD. CONST. DECL. OF RTS. arts. 1, 7. Specifically, recognizing that the government is for the people and by the people, Article I of the Constitution describes the process of electing persons to represent them in government, which is also embodied in the principles expressed through the Free Elections Clause in Article 7.

Under the principle of popular sovereignty, we bear in mind that the Constitution as a whole “is the fundamental, extraordinary act by which the people establish the procedure and mechanism of their government.” *Bd. of Supervisors of Elections for Anne Arundel Cnty. v. Att’y Gen.*, 246 Md. 417, 429 (1967); *Whittington*, 1 H & J at 242 (“This compact [the Constitution] is founded on the principle that the people being the source of power, all government of right originates from them.”).

The second principle—avoiding extravagant or undue extension of power by the Legislature—was an important limitation on the Legislature, the only entity for which the Maryland citizens could vote in 1776. It is stated that “[t]he Declaration of Rights is a guide to the several departments of government, in questions of doubt as to the meaning of the Constitution, and “a guard against any extravagant or undue extension of power[.]” *Anderson*, 23 Md. at 628. The limitation on “extravagant or undue extension of power” is coextensive with the principle of popular sovereignty. For this purpose, “courts have [the] power and duty to determine [the] constitutionality of legislation.” *Curran v. Price*, 334 Md. 149, 159 (1994).

In Maryland, we have long understood that “[t]he elective franchise is the highest right of the citizen, and the spirit of our institution requires that every opportunity should be afforded to its fair and free exercise.” *Kemp v. Owens*, 76 Md. 235, 241 (1892). In *Kemp*, the Court of Appeals characterized the right to vote as “one of the primal rights of citizenship,” *id.*, as it did in *Nader for President 2004*: “the right of suffrage” guaranteed by our Constitution “is one of, if not, the most important and fundamental rights granted to Maryland citizens as members of a free society.” 399 Md. at 686. To safeguard the Legislature from exerting extravagant or undue extension of power, each citizen of this State is afforded the opportunity to vote and hold the Legislature accountable. MD. CONST. DECL. OF RTS. arts. 7, 24, 40. Similarly, the judicial branch of government has a responsibility to limit the Legislature from exerting extravagant or undue extension of power by enforcing the standards of legislative districting outlined in Article III, Section 4 of the Maryland Constitution and by the avoidance of extreme partisan gerrymandering.

Therefore, assuming the truth of all well pleaded relevant and material facts and all inferences that reasonably can be drawn therefrom, the Plaintiffs have stated a cause of action under the fundamental principles of the Maryland Constitution and Declaration of Rights of popular sovereignty and avoiding extravagant and undue exercise of power by the Legislature.

Findings of Fact

*Stipulations and Judicial Admissions*²⁹

1. Plaintiffs are qualified, registered voters in Maryland.

²⁹ Where stipulations and admissions have overlapped, the trial judge has avoided duplication by adopting the more comprehensive of the two.

2. Plaintiffs in *Szeliga v. Lamone* ("No. 1816") are:

a. Kathryn Szeliga is a citizen of the United States and a resident of and registered voter in Maryland. She is a registered Republican and plans to vote in the future for Republican candidates for elective office, including for the United States House of Representatives. Ms. Szeliga currently serves as a member of Maryland's House of Delegates and has been a member of the House of Delegates since 2011. She is a Republican elected official who represents Maryland citizens in Baltimore and Hartford Counties. She resides in District 7 of the 2021 Plan.

b. Christopher T. Adams is a citizen of the United States and a resident of and registered voter in Maryland. He is a registered Republican and plans to vote in the future for Republican candidates for elective office, including for the United States House of Representatives. Mr. Adams currently serves as a member of Maryland's House of Delegates and has been a member of the House of Delegates since 2015. Mr. Adams is a Republican elected official who represents Maryland citizens in Caroline, Dorchester, Talbot, and Wicomico Counties. He resides in District 1 of the 2021 Plan.

c. James Warner is a citizen of the United States and a resident of and registered voter in Maryland. Mr. Warner is a decorated combat veteran and former prisoner of war. He is a registered Republican and plans to vote in the future for Republican candidates for elective office, including for the United States House of Representatives. He resides in District 2 of the 2021 Plan.

d. Martin Lewis is a citizen of the United States and a resident of and registered voter in Maryland. He is a registered Republican and plans to vote in the future for

Republican candidates for elective office, including for the United States House of Representatives. He resides in District 2 of the 2021 Plan.

e. Janet Moye Cornick is a citizen of the United States and a resident of and registered voter in Maryland. She is a registered Republican and plans to vote in the future for Republican candidates for elective office, including for the United States House of Representatives. She resides in District 3 of the 2021 Plan.

f. Ricky Agyekum is a citizen of the United States and a resident of and registered voter in Maryland. He is a registered Republican and plans to vote in the future for Republican candidates for elective office, including for the United States House of Representatives. He resides in District 4 of the 2021 Plan.

g. Maria Isabel Icaza is a citizen of the United States and a resident of and registered voter in Maryland. She is a registered Republican and plans to vote in the future for Republican candidates for elective office, including for the United States House of Representatives. She resides in District 5 of the 2021 Plan.

h. Luanne Ruddell is a citizen of the United States and a resident of and registered voter in Maryland. She is a registered Republican and plans to vote in the future for Republican candidates for elective office, including for the United States House of Representatives. She currently serves as Chair of the Garrett County Republican Central Committee and President of the Garrett County Republican Women's Club. Additionally, she serves on the Rules Committee for the Maryland Republican Party and is a member of the Maryland Republican Women and the National Republican Women's organizations. She resides in District 6 of the 2021 Plan.

i. Michelle Kordell is a citizen of the United States and a resident of and registered voter in Maryland. She is a registered Republican and plans to vote in the future for Republican candidates for elective office, including for the United States House of Representatives. She resides in District 8 of the 2021 Plan.

3. Plaintiffs in *Parrott v. Lamone* ("No. 1773") are:

a. Plaintiff Neil Parrott is a citizen of Maryland, is registered to vote as a Republican, and resides in the Sixth Congressional District of the new Plan. Mr. Parrott has registered to run for Congress in 2022 in that district. Mr. Parrott is currently a member of the Maryland House of Delegates.

b. Plaintiff Ray Serrano is a citizen of Maryland, is registered to vote as a Republican, and resides in the Third Congressional District of the new Plan.

c. Plaintiff Carol Swigar is a citizen of Maryland, is registered to vote as a Republican, and resides in the First Congressional District of the new Plan.

d. Plaintiff Douglas Raaum is a citizen of Maryland, is registered to vote as a Republican, and resides in the First Congressional District of the new Plan.

e. Plaintiff Ronald Shapiro is a citizen of Maryland, is registered to vote as a Republican, and resides in the Second Congressional District of the new Plan.

f. Plaintiff Deanna Mobley is a citizen of Maryland, is registered to vote as a Republican, and resides in the Fourth Congressional District of the new Plan.

g. Plaintiff Glen Glass is a citizen of Maryland, is registered to vote as a Republican, and resides in the First Congressional District of the new Plan.

h. Plaintiff Allen Furth is a citizen of Maryland, is registered to vote as a Republican, and resides in the Fourth Congressional District of the new Plan.

i. Plaintiff Jeff Warner is a citizen of Maryland, is registered to vote as a Republican, and resides in the Fourth Congressional District of the new Plan. Mr. Warner intends to run for Congress in 2022 in that district.

j. Plaintiff Jim Nealis is a citizen of Maryland, is registered to vote as a Republican, and resides in the Fifth Congressional District of the new Plan.

k. Plaintiff Dr. Antonio Campbell is a citizen of Maryland, is registered to vote as a Republican, and resides in the Seventh Congressional District of the new Plan.

l. Plaintiff Sallie Taylor is a citizen of Maryland, is registered to vote as a Republican, and resides in the Eight Congressional District of the new Plan.

4. Linda H. Lamone is the Maryland State Administrator of Elections.

5. William G. Voelp is the chairman of the Maryland State Board of Elections.

6. The Maryland State Board of Elections is charged with ensuring compliance with the Election Law Article of the Maryland Code and any applicable federal law by all persons involved in the election process. It is the State agency responsible for administering state and federal elections in the State Maryland.

7. Every 10 years, states redraw legislative and congressional district lines following completion of the decennial United States census. Redistricting is necessary to ensure that districts are equally populated and may also be required to comply with other applicable federal and state constitutions and voting laws.

8. The United States Constitution provides that, "[t]he House of Representatives shall be composed of Members chosen every second Year by the People of the several States." U.S. CONST. art. I, § 2, cl. 1. It also states that, "[t]he Times, Places and Manner of holding Elections for ... Representatives, shall be prescribed in each State by the Legislature

thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators." *Id.* § 4, cl. 1. The United States Constitution thus assigns to state legislatures primary responsibility for apportionment of their federal congressional districts, but this responsibility may be supplanted or confined by Congress at any time.

9. Maryland has eight congressional districts.

10. The General Assembly enacts maps for these districts by ordinary statute. While the General Assembly's congressional maps are subject to gubernatorial veto, the General Assembly can, as with any ordinary statute, override a veto.

11. In 2011, following the 2010 decennial census, Maryland's General Assembly undertook to redraw the lines of Maryland's eight congressional districts.

12. To carry out the redistricting process, then-Governor Martin O'Malley appointed the Governor's Redistricting Advisory Committee ("GRAC") in July 2011 by Executive Order. The GRAC was charged with holding public hearings around the State and drafting redistricting plans for the Governor's consideration to set the boundaries of the State's 47 legislative districts and 8 congressional districts following the 2010 Census.

13. To carry out the redistricting process, Governor O'Malley appointed the GRAC to hold public hearings and recommended a redistricting plan. As part of a collaborative approach to developing a congressional map in 2011, Governor O'Malley asked Rep. Steny Hoyer to propose a consensus congressional map among Maryland's congressional delegation.

14. Democratic members of Maryland's congressional delegation, including Representative Hoyer, were involved in developing a consensus map to provide Governor O'Malley in order to assist with the process of developing a new congressional map for Maryland.

15. The GRAC held 12 public hearings around the State in the summer of 2011 and received approximately 350 comments from members of the public concerning congressional and legislative redistricting in the State. Approximately 1,000 Marylanders attended the hearings, which were held in Washington, Frederick, Prince George's, Montgomery, Charles, Harford, Baltimore, Anne Arundel, Howard, Wicomico, and Talbot Counties, and Baltimore City.

16. The GRAC solicited submissions of alternative plans for congressional redistricting prepared by third parties for its consideration. The GRAC also solicited public comment on the proposed congressional plan that it adopted.

17. The GRAC prepared a draft plan using a computer software program called Maptitude for Redistricting Version 6.0.

18. GRAC adopted a proposed congressional redistricting plan and made public its proposed plan on October 4, 2011. No Republican member of the GRAC voted for the congressional redistricting plan that was adopted.

19. The GRAC plan altered the boundaries of district 6 by removing territory in, among other counties, Frederick County, and adding territory in Montgomery County.

20. On October 15, 2011, Governor O'Malley announced that he was submitting a plan that was substantially similar to the plan approved by the GRAC to the General Assembly.

21. One perceived consequence of the Plan was that it would make it more likely that a Democrat rather than a Republican would be elected as representative from District 6.

22. On October 17, 2011, the Senate President introduced the Governor's proposal as Senate Bill I at a special session and it was signed into law on October 20, 2011 with only minor

adjustments (the "2011 Plan"). No Republican member of the General Assembly voted in favor of the 2011 Plan.

23. The 2011 Plan was petitioned to referendum by Maryland voters at the general election of November 6, 2012, pursuant to Article XVI of the Maryland Constitution.

24. On September 6, 2012, the Circuit Court for Anne Arundel County rejected contentions that the ballot language for the referendum question was misleading or insufficiently informative. *See Parrott, et al. v. McDonough, et al.*, No. 02-C-12-172298 (Cir. Ct. for Anne Arundel Cnty.) (the "Referendum Litigation"). On September 7, 2012, the Court of Appeals denied a petition for certiorari by the plaintiffs in that case.

25. The 2011 Plan was approved by the voters in that referendum. The language of the question on the ballot for the referendum stated:

Question 5
Referendum Petition
(Ch. 1 of the 2011 Special Session)
Congressional Districting Plan

Establishes the boundaries for the State's eight United States Congressional Districts based on recent census figures, as required by the United States Constitution.

For the Referred Law
— Against the Referred Law

26. On July 23, 2014, the Court of Special Appeals affirmed the ruling of the Circuit Court in the Referendum Litigation in an unpublished opinion. *See Parrott, et al. v. McDonough, et al.*, No. 1445, Sept. Tenn 2012 (Md. App. July 23, 2014). A true and

accurate copy of the unpublished opinion in that case is attached hereto as Exhibit XII.³⁰ On October 22, 2014, the Court of Appeals denied a petition for certiorari by the appellants in that case. *See Parrott, et al. v. McDonough, et al.*, No. 382, Sept. Tenn 2014 (Md. Oct. 22, 2014).

27. Republican Roscoe G. Bartlett won election as United States Representative for Maryland's Congressional District 6 in each of the following years, with the indicated margins of victory over his Democratic challenger: 1992 (8.3%); 1994 (31.9%); 1996 (13.7%); 1998 (26.8%); 2000 (21.4%); 2002 (32.3%); 2004 (40.0%); 2006 (20.5%); 2008 (19.0%); 2010 (28.2%).

28. Democrats Goodloe E. Byron (1970-1976) and Beverly Byron (1978-1990) won election United States Representative for Maryland's Congressional District 6 in each of the following years, with the indicated margins of victory over their respective Republican challenger: 1970 (3.3%); 1972 (29.4%); 1974 (41.6%); 1976 (41.6%); 1978 (79.4%); 1980 (39.8%); 1982 (48.8%); 1984(30.2%); 1986(44.4%); 1988(50.7%); 1990(30.7%). *See Election Statistics: 1920 to Present*, HIST., ART & ARCHIVES, U.S. HOUSE OF REPRESENTATIVES, <https://perma.cc/98LQ-8VXK>.

29. The congressional districts created through the 2011 Plan were used in the 2012-2020 congressional elections. Since 2012, a Democrat has held District 6 and Maryland's congressional delegation has always included 7 Democrats and 1 Republican. The margins of victory for the Democrat in District 6 (John Delaney from 2012-2016; David Trone in 2018-2020) have been: 2012 (20.9%); 2014 (1.5%); 2016 (15.9%); 2018 (21.0%);

³⁰ The identification of exhibits attached to this Court's Opinion has been changed from alphabetical identifications, which were previously labeled by the parties in these stipulations, to roman numeral identifications, so as to avoid any confusion between the exhibits admitted at trial and the exhibits attached to this Opinion.

2020 (19.6%). See *ElectionStatistics: 1920 to Present*, HIST., ART & ARCHIVES, U.S. HOUSE OF REPRESENTATIVES, <https://perma.cc/98LQ-8VXK>.

30. Maryland Governor Larry Hogan signed an executive order on August 6, 2015, which created the Maryland Redistricting Reform Commission. A true and accurate copy of the August 6, 2015 executive order is attached hereto as Exhibit I.

31. The Commission was comprised of seven members appointed by the (Republican) Governor, two members appointed by the (Republican) minority leaders in the Maryland Legislature, and two members appointed by the (Democratic) majority leaders in the Maryland Legislature. The Governor's appointees consisted of three Republicans, three Democrats, and one not affiliated with any party. The Legislature's appointments consisted of two Democrats and two Republicans.

32. After several months of soliciting input from citizens and legislators across the State, the Commission observed that Maryland's constitution and laws offer no criteria or guidelines for congressional redistricting, and that the Maryland Constitution is otherwise silent on congressional districting. The Commission recommended, among other things, that districting criteria should include compactness, contiguity, congruence, substantially equal population, and compliance with the Voting Rights Act and other applicable federal laws. The Commission also recommended the creation of an independent redistricting body, whose members would be selected by a panel of officials drawn from independent branches of government such as the judiciary, charged with reapportioning the state's districts every ten years after the decennial census. A true and accurate copy of the Commission's Final Report is attached hereto as Exhibit X.

33. During each regular session of the General Assembly between 2016 and 2020, Governor Hogan caused one or more legislative bills to be introduced that would have established a processes by which State legislative and congressional maps were created in the first instance by a purportedly independent and bipartisan commission, and ultimately by the Court of Appeals in the event that the commission-proposed maps were not approved by the General Assembly or were vetoed by the Governor. These bills were House Bill 458 and Senate Bill 380 introduced in the 2016 regular session of the General Assembly, House Bill 385 and Senate Bill 252 introduced in the 2017 regular session, House Bill 356 and Senate Bill 307 in the 2018 regular session, House Bills 43 and 44 and Senate Bills 90 and 91 in the 2019 regular session, and House Bills 43 and 90 and Senate Bills 266 and 284 in the 2020 regular session. None of these bills was voted out of committee.

34. On January 12, 2021, Governor Hogan issued an executive order establishing the Maryland Citizens Redistricting Commission (MCRC) for the purposes of redrawing the state's congressional and legislative districting maps based on newly released census data. The MCRC was comprised of nine Maryland registered voter citizens, three Republicans, three Democrats, and three registered with neither party. Governor Hogan's Executive Order directed the MCRC to prepare maps that, among other things: respect natural boundaries and the geographic integrity and continuity of any municipal corporation, county, or other political subdivision to the extent practicable; and be geographically compact and include nearby areas of population to the extent practicable. A true and accurate copy of the January 12, 2021 Executive Order is attached heretoas Exhibit XI.

35. Over the course of the following months, the MCRC held over 30 public meetings with a total of more than 4,000 attendees from around the State. The Commission

provided a public online application portal for citizens to prepare and submit maps, and it received a total of 86 maps for consideration.

36. After receiving public input and deliberating, on November 5, 2021, the MCRC recommended a congressional redistricting map to Governor Hogan.

37. On November 5, 2021, Governor Hogan accepted the MCRC's proposed final map and issued an order transmitting the maps to the Maryland General Assembly for adoption at a special session on December 6, 2021.

38. In July 2021, following the 2020 decennial census, Bill Ferguson, President of the Maryland Senate, and Adrienne A. Jones, Speaker of the Maryland House of Delegates, formed the General Assembly's Legislative Redistricting Advisory Commission (the "LRAC"). The LRAC was charged with redrawing Maryland's congressional and state legislative maps.

39. The LRAC included Senator Ferguson, Delegate Jones, Senator Melony Griffith, and Delegate Eric G. Luedtke, all of whom are Democratic members of Maryland's General Assembly. Two Republicans, Senator Bryan W. Simonaire and Delegate Jason C. Buckel, also, were appointed to the LRAC by Senator Ferguson and Delegate Jones. Karl S. Aro, who is not a member of Maryland's General Assembly, was appointed as Chair of the LRAC by Senator Ferguson and Delegate Jones. Mr. Aro previously served as Executive Director of the non-partisan Department of Legislative Services for 18 years until his retirement in 2015, and was appointed by the Court of Appeals to assist in preparing a remedial redistricting plan that complied with state and federal law in 2002.

40. The LRAC held 16 public hearings across Maryland. At the hearings, the LRAC received testimony and comments from numerous citizens.

41. One of the themes that emerged from the public testimony and comments was that Maryland's citizens wanted congressional maps that were not gerrymandered. Other citizens indicated in these comments or public testimony that they did not want to be moved from their current districts. Still others advocated for the creation of majority-Democratic districts in every district of the State. And others requested that districts be drawn so as to eliminate the likelihood that a current incumbent might be reelected.

42. At the conclusion of the public hearings, the Department of Legislative Services ("DLS") was directed to produce maps for the LRAC's consideration.

43. On November 9, 2021, the LRAC issued four maps for public review and comment.

44. In a cover message releasing the maps, Chair Aro wrote: "These Congressional map concepts below reflect much of the specific testimony we've heard, and to the extent practicable, keep Marylanders in their existing districts. Portions of these districts have remained intact for at least 30 years and reflect a commitment to following the Voting Rights Act, protecting existing communities of interest, and utilizing existing natural and political boundaries. It is our sincere intention to dramatically improve upon our current map while keeping many of the bonds that have been forged over 30 years or more of shared representation and coordination."

45. On November 23, 2021, the LRAC chose a final map to submit to the General Assembly for approval (the "2021 Plan"). Neither Republican member of the LRAC supported the 2021 Plan.

46. On November 23, 2021, by a strict party-line vote, the LRAC chose a final map to submit to the General Assembly for approval, referred to as the 2021 Plan. Neither Republican

member of the LRAC supported the 2021 Plan. Senator Simonaire uttered the statement during the LRAC hearing on November 23, 2021, “[o]nce again, I’ve seen politics overshadow the will of the people.”

47. A true and accurate copy of the 2021 Plan is attached as Exhibit I.

48. On December 7, 2021, the Maryland House of Delegates voted to reject an amendment that would have substituted the MCRC's map for the 2021 Plan. Two Democrats joined all of the Republicans in voting to substitute the MCRC's map for the Plan. No Republican member voted against the amendment.

49. On December 8, 2021, the General Assembly enacted the 2021 Plan. One Democratic member voted against the 2021 Plan. No Republican member voted to approve the 2021 Plan.

50. On December 8, 2021, the General Assembly enacted the 2021 Plan on a strict party-line vote. Not a single Republican member of the General Assembly voted to approve the 2021 Plan.

51. According to the Princeton Gerrymandering Project, Democrats now have an estimated vote-share advantage in every single Maryland congressional district.

52. On December 9, 2021, Governor Hogan vetoed the 2021 Plan.

53. On December 9, 2021, the General Assembly overrode Governor Hogan's veto, thus adopting the 2021 Plan into law. One Democratic member of the General Assembly voted against overriding Governor Hogan's veto, while no Republican member of the General Assembly voted in favor of override.

54. After passage of the 2021 Plan, Senator Ferguson and Delegate Jones issued a joint statement emphasizing that the 2021 Plan "keep[s] a significant portion of Marylanders in their current districts, ensuring continuity of representation."

55. Under Maryland's 2021 adopted congressional plan, portions of Anne Arundel County are in Districts 1, 2, and 4, and that District 1 includes population residing on the Eastern Shore and in Anne Arundel County.

56. Under Maryland's 2021 adopted congressional plan, portions of Baltimore City are in Districts 2, 3, and 7.

57. Under Maryland's 2021 adopted congressional plan, portions of Baltimore County are in Districts 2, 3, and 7.

58. Under Maryland's 2021 adopted congressional plan, portions of Montgomery County are in Districts 3, 4, 6, and 8.

59. Under Maryland's 2021 adopted congressional plan, nine counties have population assigned to more than one congressional district.

60. Congressmen Andy Harris, who currently represents the First Congressional District under the Enacted Plan and represented the First Congressional District under the 2011 Plan, was in the Seventh Congressional District, which is the District represented by Kweisi Mfume. Since that time, according to the Board of Elections' registration records, in early February 2022, Congressmen Harris registered to vote at a residence in Cambridge, Maryland, in the First Congressional District, which is on the Eastern Shore at a residence or place where Congressmen Harris has owned since 2009.

61. Exhibit II reports the adjusted population of Maryland's eight congressional districts following the 2010 census under Maryland's 2002 redistricting map. The parties stipulate that the matters of fact asserted, stated, or depicted in Exhibit II are a true and accurate representation of data derived from government sources.

62. Exhibit III reports the adjusted population of Maryland's eight congressional districts following the 2020 census under the 2011 Plan and under the 2021 Plan. The parties stipulate that the matters of fact asserted, stated, or depicted in Exhibit III are a true and accurate representation of data derived from government sources.

63. Exhibit IV reports the number of eligible active voters in each of Maryland's eight congressional districts, and the respective political-party affiliations of those registered eligible voters, as of October 17, 2010. The parties stipulate that the matters of fact asserted, stated, or depicted in Exhibit IV are a true and accurate representation of data derived from government sources.

64. Exhibit V reports the number of eligible active voters and the respective political-party affiliations of those eligible active voters in each of Maryland's eight congressional districts on October 21, 2012. The parties stipulate that the matters of fact asserted, stated, or depicted in Exhibit V are a true and accurate representation of data derived from government sources.

65. Exhibit VI reports the number of eligible active voters in each of Maryland's eight congressional districts, and the respective political-party affiliations of those registered eligible voters, as of October 17, 2020. The parties stipulate that the matters of fact asserted, stated, or depicted in Exhibit VI are a true and accurate representation of data derived from government sources.

66. Exhibit VII reports the number of eligible active voters in each of Maryland's eight congressional districts, and the respective political-party affiliations of those registered eligible voters, under the 2021 Plan. The parties stipulate that the matters of fact asserted, stated, or depicted in Exhibit VII are a true and accurate representation of data derived from government sources.

67. Exhibit VIII depicts Maryland's eight congressional districts under the 2011 Plan. The parties stipulate that the matters of fact asserted, stated or depicted in Exhibit VIII are a true and accurate representation of data derived from government sources.

Findings Derived by the Trial Judge from Testimony and Other Evidence Adduced at Trial

Mr. Sean Trende

68. Mr. Sean Trende testified and was qualified as an expert witness in political science, including elections, redistricting, including congressional redistricting, drawing redistricting maps, and analyzing redistricting.

69. Mr. Trende was asked to analyze the Congressional districts adopted by the Maryland Legislature in the recent rounds of redistricting and opine as to whether traditional redistricting criteria was [subordinated] for partisan considerations.³¹

70. Mr. Trende's opinions and conclusions were rendered to a reasonable degree of scientific certainty typical to his field.

71. In deriving his opinions, Mr. Trende conducted a three-part analysis; the first part analyzed traditional redistricting criteria in Maryland, with specific reference to the compactness

³¹ The transcript stated, "whether traditional redistricting criteria was coordinated for partisan considerations," however, the trial judge recalls the correct verbiage was "whether traditional redistricting criteria was *subordinated* for partisan considerations." March 15, 2022, A.M. Tr. 45: 2-7.

of the maps with a comparison to other maps that had been drawn both in Maryland and across the country; he then examined the number of county splits, “the number of times the counties were split up by the maps” and finally, he then conducted a “qualitative assessment” to see how precincts were divided.

72. In the first part, Mr. Trende conducted a simulation analysis. In doing so, he “used the same techniques that were used in Ohio and in North Carolina” and “similar to that which has been used in Pennsylvania.” The purpose of Mr. Trende’s analysis was to analyze “partisan bias of the Maryland 2021 congressional districts.”

73. Mr. Trende’s methodology relied on “shape files.”

74. In analyzing the shape files, he used “widely used statistical programming software called R.”

75. Mr. Trende also conducted an analysis of the county splits for Maryland utilizing the “R” software.

76. Based upon his analysis of the county splits, referring to Exhibit 2-A, Mr. Trende found that the 1972 Congressional map included 8 splits.

77. In 1982, there were 10 county splits in the Congressional map.

78. In 1992, there were 13 county splits in the Congressional map.

79. In 2002, there were 21 county splits in the Congressional map.

80. In 2012, there were 21 county splits in the Congressional map.

81. In the 2021 Plan, there are 17 county splits.

82. The 2021 Plan has a historically high number of county splits compared to other Congressional plans, except the 2011 Map.

83. Mr. Trende testified that “you really only need 7 county splits in a map with 8 districts.”

84. With respect to “compactness” of the 2021 Plan, Mr. Trende used four of the “most common compactness metrics”: the Reock score; the Polsby-Popper score; the Inverse Schwartzberg score; and the Convex Hull score; the lower the score the less compact a Congressional plan is.

85. The four scores were presented to strengthen his presentation as well as to present a different “aspect” of compactness.

86. Exhibits 4-A, 4-B, 4-C, and 4-D reflect the bases for Mr. Trende’s compactness analyses, which included scores for all of Maryland’s congressional districts dating back to 1788.

87. Exhibit 5 reflects the analysis of the four scores using a scale of 0 to 1, where “1 is a perfectly compact district, and 0 is a perfectly non-compact score.”

88. There is no “magic number” that reflects whether a district is not compact. Comparisons to historical data supported Mr. Trende’s conclusion that the 2021 Plan is “an outlier.”

89. Based upon Mr. Trende’s testimony, the Court finds that for “much of Maryland’s history, including for a large portion of the post-*Baker v. Carr* history, Maryland had reasonably compact districts that showed a similar degree of compactness from cycle to cycle.”

90. The Court also finds, based upon Mr. Trende’s analysis that by Maryland’s historic standards, the 2021 Congressional lines are “quite non-compact” regardless of which of the four metrics is used or analyzed.

91. Mr. Trende also analyzed the 2021 Plan with reference to every district in the United States going back to 1972, which is represented by Exhibits 6-A, 6-B, 6-C, and 6-D.

92. Mr. Trende testified that there are a limited number of maps for other states that have lower Reock scores than the 2021 Plan (*see* Exhibit 6-A).

93. Mr. Trende also testified with reference to Exhibit 6-B that there are only “six maps that have ever been drawn in the last 50 years with worse average Polsby-Popper scores than the current Maryland maps.”

94. Mr. Trende further testified with reference to Exhibit 6-C that the 2021 Plan reflects one of the “worst Inverse Schwartzberg score[] in the last 50 years in the United States.”

95. With reference to Exhibit 6-D, Mr. Trende testified that it scored, under the Convex Hull analysis, “very poorly relative to anything that’s been drawn in the United States in the last 50 years.”

96. Mr. Trende testified relative to compactness in the 2002 and 2012 Congressional plans in comparison to the 2021 Plan and concluded that the 2021 Plan is not compact.

97. Mr. Trende testified that relative to Exhibits 7-A, 7-B, 7-C, and 7-D, that the first Congressional district under the 2021 Plan “lower[ed] the Republican vote share in the First” and “[left] the democratic districts or precincts on the bay.” He concluded that the “Democrats have an increased chance of winning this district in a normal or good democratic year.”

98. As to Exhibits 8-A, 8-B, 8-C, and 8-D, he concluded that “almost all of the Republican precincts were placed into District 3 or District 7,” while “[a]lmost all of the democratic precincts were placed into District 1.”

99. Mr. Trende then presented a simulation approach to redistricting utilizing "R" software. The simulation package was dependent on the work of Dr. Imai using an approach that samples maps drawn without respect to politics. In each of Mr. Trende's simulations he used 250,000 maps all suppressing politics and utilizing two minority/majority districts mandated by the Voting Rights Act; he discarded duplicative maps and arrived at between 30,000 to 90,000 maps to be sampled for each simulation.

100. He then fed various "political data" into the program to measure partisanship.

101. Mr. Trende's simulations relied upon the correlations between vote shares and Presidential data, because he testified that Presidential data is the most predictive in analyzing election outcomes. Mr. Trende further testified that he used other elections at the Presidential, senatorial, and gubernatorial levels to check his simulation results.

102. In the first set of 250,000 maps, Mr. Trende depended upon population parity or equality and contiguity as well as a "very, very light compactness parameter." Other traditional redistricting criteria was not considered.

103. The second set of 250,000 maps depended on a "modest compactness criteria," "drawing without any political information."

104. The third set of 250,000 maps added respect for county subdivisions.

105. The three analyses are represented in Exhibits 9-A, 9-B, and 9-C.

106. In every one of the maps from which Mr. Trende drew his opinions, there are at least "two majority/minority districts to comport with the Voting Rights Act."

107. With respect to the first set of maps drawn with very little regard to compactness but regard given to contiguity and equal population, 14,000 of the maps have seven districts that

were won by President Joseph Biden and only 4.4% have eight districts won by President Joseph Biden. Mr. Trende concluded that “it is exceedingly unlikely that if you were drawing by chance, you would end up with a map where President Joe Biden carried all eight districts.”

108. With respect to the application of compactness and contiguity as well as equal population, he concluded that the 2021 Plan would result in eight districts won by President Biden, which he concluded was “an extremely improbable outcome if you really were drawing – just caring about traditional redistricting criteria and weren’t subordinating those considerations for partisanship.”

109. With respect to Exhibit 9-C, which reflects maps drawn with consideration of population equality, contiguity, compactness, and respect for county lines, Mr. Trende testified that “you almost never produce eight districts that Joe Biden carries.” Specifically, Mr. Trende found that of the 95,000 maps that survived the initial sort, 134 of them, or .14%, produced eight districts that President Biden won.

110. Mr. Trende then presented data dependent on box plots, which are reflected in Exhibits 10-A, 10-B, 10-C, 10-D, and 10-E. On the basis of his box plot analysis, Mr. Trende concluded that, “[p]olitics almost certainly played a role” in the 2021 Plan. He also concluded that, “there is a pattern that appears again and again and again, which is heavily democratic districts are made more Republican but still safely democratic. And that, in turn, allows otherwise Republican competitive districts to be drawn out of that Republican competitive range into an area where Democrats are almost guaranteed to have seven districts, have a great shot at winning that eighth District [that being, the First Congressional District].”

111. With respect to his final analysis, he utilized a “Gerrymandering Index,” which is “a number that summarizes, on average, how far the deviations are from what . . . would [be] expect[ed] for a map drawn without respect to politics.”

112. Mr. Trende relied Dr. Imai’s work in his paper on the Sequential Monte Carlo methods.³²

113. Exhibits 11-A, 11-B, and 11-C, illustrate Mr. Trende’s conclusions with respect to the Gerrymandering Index. Lower scores are indicative of greater gerrymandering.

114. Mr. Trende concludes that the 2021 Plan is an outlier with respect to the Gerrymandering Index. In fact, he concludes with respect to Exhibit 11-A, which included considerations regarding contiguity and equal population, that “it’s exceedingly unlikely” that a map would result that would have a larger Gerrymandering Index, because there were only 97 maps of the 31, 316 maps that were consulted that would have a larger gerrymandering index.

115. With respect to Exhibit 11-B in which compact districts are drawn, Mr. Trende concluded that there were only 102 maps with larger gerrymandering indexes than the 2021 Plan: “[i]t’s exceedingly unlikely if you were really drawing without respect to partisanship, just trying to draw compact maps that are contiguous and equipopulous, its exceedingly unlikely you would get something like this.”

116. The final Gerrymandering Index Exhibit, 11-C, reflects compact plans that are contiguous and of equal population and respect county lines (with due consideration to the Voting Rights Act: two majority/minority districts).

³² Kosuke Imai & Cory McCartan, *Sequential Monte Carlo for Sampling Balanced and Compact Redistricting Plans*, HARV. UNIV. 6–17 (Aug. 10, 2021), available at: <https://perma.cc/Z2DT-A2RW>.

117. On the basis of Exhibit 11-C, Mr. Trende concludes that the 2021 Plan is a “gross outlier,” such that of the 95,000 maps under considerations, only one map had a Gerrymandering Index larger than the 2021 Plan.

118. Utilizing the Gerrymandering Index, Mr. Trende concluded that “it’s just extraordinarily unlikely you would get a map that looks like the enacted plan.”

119. Mr. Trende ultimately concluded that “the far more likely thing that we would accept in social science is given all this data is that partisan considerations predominated in the drawing of this map and that as was the case in Pennsylvania, North Carolina, and Ohio and other states where this type of analysis was conducted, traditional redistricting criteria were subordinated to these partisan considerations.”

120. Mr. Trende also concluded that the 2021 Plan has a very high Gerrymandering Index and the same pattern of districts being drawn up in heavily Republican areas made more Democratic, as well as districts drawn down into the Democratic areas made more Republican, even when three majority/minority districts under the Voting Rights Act are conceded in the 2021 Plan.

121. Ultimately, Mr. Trende concludes that the 2021 Plan was drawn with partisanship as a predominant intent, to the exclusion of traditional redistricting criteria.

122. Mr. Trende had no opinion with respect to the Maryland Citizens Redistricting Commission (“MCRC”) Plan.

123. Mr. Trende’s simulations did not account for communities of interest and “double bunking of incumbents” into a single district.

124. Mr. Trende did not consider in his simulations the effect of Governor Hogan's victories in 2014 and 2018.

125. Mr. Trende did not account for unusually strong Congressional candidates running in an election using the 2021 Plan.

126. Mr. Trende used voting patterns rather than registration patterns in his analyses of the 2021 Plan.

127. Mr. Trende testified that the absolute minimum number of county splits in a map with eight congressional districts is seven splits.

128. Mr. Trende, when asked to define an "outlier," explained that it "means a map that would have a less than 5% chance of being drawn without respect to politics" and that with respect to his simulations, a map that is .00001% is "under any reasonable definition of an extreme outlier."

129. Mr. Trende testified within his expertise to a reasonable degree of scientific, professional certainty, that under any definition of extreme gerrymandering, the 2021 Plan "would fit the bill"; "[i]ts a map that, you know -- if traditional redistricting criteria predominated, would be extraordinarily unlikely to be drawn. You know, with compactness and respect for county lines, .00001 percent. That's extreme."

130. Mr. Trende further opined that the 2021 Plan reflects "the surgical carving out of Republican and Democratic precincts" and that "there are a lot of individual things that tell an extreme-gerrymandering story," and "when you put them all together, it's just really hard to deny it."

131. Mr. Trende further stated that the 2021 Plan was drawn “with an intent to hurt the Republican party’s chances of letting anyone in Congress.”

132. Mr. Trende testified that the 2021 Plan “dilutes and diminishes the ability of Republicans to elect candidates of choice.”

133. Mr. Trende also testified that among the implications of an extreme partisan gerrymandering, that it “becomes harder for political parties to recruit candidates to run for office, because who wants to raise all that money and then be guaranteed to lose in your district.”

134. Mr. Trende did not conduct an efficiency gap analysis in this case.

Dr. Thomas L. Brunell

135. Dr. Brunell testified and was qualified as an expert in political science, including partisan gerrymandering, identifying partisan gerrymandering, and redistricting.

136. Dr. Brunell was asked to examine two Congressional districting maps for the State of Maryland: the 2021 Plan and the MCRC Plan and compare them using metrics for partisan gerrymandering.

137. In his comparison, he looked at city and county splits and compared the outcomes to proportionality regarding the relationship between the statewide vote for each party and the total number of seats in Congress for each party. He also looked at compactness and calculated the efficiency gap regarding statewide elections during the last ten years for both the 2021 Plan and the MCRC Plan.

138. Dr. Brunell testified that the MCRC Map is more compact on average than the eight districts for the 2021 Plan. He testified that the average compactness score using the Polsby-Popper index was lower for the 2021 Plan than the MCRC Plan. Dr. Brunell also

concluded that in comparison to 29 states, the 2021 Plan had a Reock score that was higher than only two other states, Illinois and Idaho. He also concluded that only Illinois and Oregon had a lower Polsby-Popper score than Maryland with respect to the 2021 Plan.

139. Dr. Brunell utilized the actual number of voters in his analysis rather than voter registration.

140. Dr. Brunell testified that with respect to the 2016 Presidential election, similar to the 2012 Presidential election, the Democratic candidate received 64% of the statewide vote in Maryland and the Democrats carried seven of the eight Congressional districts in Maryland under the 2021 Plan. Using the 2020 Presidential data in evaluating the 2021 Plan, Democrats would carry all eight of the Congressional districts under the 2021 Plan. Using the 2012 Senate candidate data in evaluating the 2021 Plan, the Democrats would carry all eight Congressional districts. Using the 2016 Senate elections in evaluating the 2021 Plan, he testified that the Democrats would carry seven of the eight districts. Using the 2018 Senate elections data, the Democrats under the 2021 Plan would carry all eight districts. Using the 2014 and 2018 gubernatorial elections, he concluded that the Democrats would carry three of the eight seats in the Congressional elections under the 2021 Plan.

141. Dr. Brunell conducted an efficiency test to determine wasted votes, *i.e.*, those cast for the losing party and those cast for the winning party above the number of votes necessary to win.

142. In order to determine the efficiency gap, he added all the wasted votes for both parties in the same district to get a measure of who is wasting more votes at a higher rate.

143. A lower number of votes wasted reflects less likelihood of partisan gerrymandering.

144. Dr. Brunell testified that just considering the efficiency gap would not be enough to find that a map is gerrymandered. Dr. Brunell testified that one would need to look at “the totality of the circumstances, use different measures, different metrics, to see if they’re telling you the same thing [or] different things.”

145. Dr. Brunell testified that by using an efficiency gap measure, there was a bias in favor of the Republicans in the MCRC Plan, although that bias was not significant.

146. Dr. Brunell testified that there were many more county segments and county splits in the 2021 Plan than in the MCRC Plan.

147. Dr. Brunell testified that redrawing electoral districts “is a complex process with dozens of competing factors that need to be taken into account, . . . like compactness, contiguity, where incumbents live, national boundaries, municipal boundaries, county boundaries, and preserving the core confirmed districts.”

148. Dr. Brunell only considered compactness of the districts in his analysis of the 2021 Plan.

149. Dr. Brunell did not take into consideration in his analysis the Voting Rights Act or incumbency bias. He testified he did assume population equality and contiguity having been met in the 2021 Plan.

Mr. John T. Willis

150. Mr. Willis testified and was qualified as an expert in Maryland political and election history and Maryland redistricting, including Congressional redistricting.

151. Mr. Willis was asked to evaluate the 2021 Plan and determine if it was consistent with redistricting in the course of Maryland history and to give his opinion as to its validity and whether it was based on reasonable factors.

152. Mr. Willis opined that Maryland's population over time has changed with an east-to-west migration, "in significant numbers."

153. Mr. Willis referred to a series of Maryland maps reflecting population migration every 50 years from 1800 to 2000, admitted into evidence as Exhibit H.

154. Exhibit H had been prepared by Mr. Willis in anticipation of the 2001 redistricting process.

155. Exhibit H shows population migration to the west in Maryland and towards the suburbs of the District of Columbia.

156. Mr. Willis testified regarding Defendants' Exhibit I, admitted into evidence, which reflects concentrations of population during the Fall of 2010.

157. He testified almost 70% of the Maryland population is "in a central core, which is roughly I-95 and the Beltway."

158. Mr. Willis also testified that geography impacts the redistricting process as well as natural boundary lines, "quarters of transportation," the changing nature of the economy, major federal installations and where they are located and their connection to the economy, institutional factors, and migration patterns.

159. With respect to Defendants' Exhibit J, Mr. Willis testified regarding the population changes from 2010 to 2020.

160. Mr. Willis further testified that each district in the 2021 Plan had to have a target population of 771,925.

161. Mr. Willis further testified that in Congressional redistricting the General Assembly starts with the map in existence to avoid disturbing existing governmental relationships.

162. Exhibit K includes all of the Congressional redistricting maps from 1789 to the present 2021 Plan, which includes a set of 17 maps. The last map—map 17—Mr. Willis testified that the district lines in the First District appeared to be based on reasonable factors and are consistent with the historical district lines enacted in Maryland. As the basis for his opinion, Mr. Willis explained that there has always been a population deficit in the First District which requires the boundary to cross over the Chesapeake Bay or to cross north over the Susquehanna River in Harford County and that there have been more crossings over the Chesapeake Bay historically than into Harford County.

163. Mr. Willis further testified regarding regional and county-based population changes over the decades in Maryland since 1790, on a decade basis, reflected in Exhibit L. He testified that the district lines in the Second Congressional District appear to be based upon reasonable factors and are consistent with historical district lines enacted in Maryland and reflects migration patterns relative to Baltimore City.

164. Mr. Willis further testified about the district lines for the Third Congressional District, which he opined were based on reasonable factors and consistent with historical district lines enacted in Maryland.

165. With respect to the liens of the Fourth Congressional District, Mr. Willis testified that the district lines appear to be based on reasonable factors and are consistent with historical district lines enacted in Maryland. He testified that the Fourth District is also what is known as a "Voting Rights Act District."

166. With respect to the district lines of the Fifth Congressional District, he opined that the lines appear to be based on reasonable factors and are consistent with historical district lines enacted in Maryland. The district lines are also based on major employment centers and major public institutions.

167. With respect to the district lines of the Sixth Congressional District, following the Potomac River, Mr. Willis testified that the lines reflect commercial and family connections tying the area together since the State was founded. On that basis, he testified that the lines of the Sixth District appear to be based on reasonable factors and are consistent with historical district lines enacted in Maryland.

168. Mr. Willis testified that the Seventh Congressional District is another "Voting Rights Act district."

169. Mr. Willis then testified about the Eighth Congressional District, the lines of which appear to be based on reasonable factors and consistent with historical district lines enacted in Maryland. Mr. Willis attributes the lines to traffic patterns along what is basically State Route 97.

170. He finally testified that the all the district lines as they are drawn in the 2021 Plan appear to be based on reasonable factors and are consistent with historical district lines enacted in Maryland.

171. Mr. Willis testified that for every election prior to 2002 in Congressional District 2, a Republican candidate won the Congressional seat. A Republican candidate also won every election in Congress in District 8 from 1992 to 2000, that being Congresswoman Constance Morella. Thereafter, from 2002 to 2010, no Republican candidate won a Congressional election in District 8. He then testified that in District 2, a Democratic candidate has won the Congressional election every single year since the 2002 map was drawn, *i.e.*, Congressman C.A. Dutch Ruppertsberger.

172. Mr. Willis further testified with respect to the First Congressional District that as a result of a Federal Court decision, District 1 included all of the Eastern Shore and Cecil County as well as St. Mary's County, Calvert County, and part of Anne Arundel County.

173. As a result of the redistricting plan from 2002 to 2010, District 1 was drawn a different way, which included all of the Eastern Shore counties and an area across the Bay Bridge into Anne Arundel County, as well as parts of Harford and Baltimore County.

174. Mr. Willis characterized the Congressional map from 2002 to 2010 as "fraught with politics to favor some candidates over another."

175. He testified that since the Federal Court ordered the drawing of the Congressional districts in Maryland, the First Congressional District has crossed the Chesapeake Bay in southern Maryland, has crossed the Chesapeake Bay in northern Maryland, as well as crossed parts of Cecil, Harford, Baltimore, and Carroll County.

176. Mr. Willis testified that from the 1842 until the 2012 Congressional maps, Frederick County was linked in its entirety with the westernmost counties of Maryland, as well as in the Federal District Court redistricting map.

177. During the Court's questioning, Mr. Willis testified that the biggest "driver" in the redistricting process is populations shifts with gains in population in places like Prince George's County for example, and loss of population, for example, in Baltimore City.

178. He also testified about other factors affecting the redistricting process such as "transportation patterns," preservation of land, federal installations, state institutions, major employment centers, prior history, election history, as well as ballot questions that "show voter attitude." He further testified that incumbency protection might be a factor as well as political considerations.

Dr. Allan J. Lichtman

179. Dr. Allan J. Lichtman testified and was qualified as an expert in statistical historical methodology, American political history, American politics, voting rights, and partisan redistricting.

180. Dr. Lichtman testified that "politics inevitably comes into play" in the redistricting process and that the balance in democratic government is "between political values and other considerations" to include "public policy, preserving the cores of existing districts, avoiding the pairing of incumbents, looking at communities of interest, shapes of the districts, and a balance between political considerations."

181. Dr. Lichtman testified that, "[w]hen you're involved with legislative bodies, it's inevitably a process of negotiation, log rolling, compromise."

182. Dr. Lichtman denied as unrealistic comparing the 2021 Plan with "ensembles of plans with zero – the politics totally taken out."

183. Dr. Lichtman's test of the 2021 Plan, according to his testimony, evaluates whether the 2021 Plan was "a partisan gerrymander based on the balance of party power in the state." His conclusions were that the likely partisan alignment of the 2021 Plan was "status quo, 7 likely Democratic wins, 1 likely Republican win"; that there could be Democratic districts in jeopardy in 2022 because "2022 is a midterm with a Democratic President." In doing his analysis, he looked at other states which were "actually mostly Republican states, where the lead party got 60% or more of the Presidential vote," which he termed are "unbalanced political states." According to Dr. Lichtman, he looked at "gerrymandering" in multiple ways, "all based on real-world considerations, not the formation of abstract models."

184. Using an "S-curve" representation in Exhibit N, he determined that a party with 60% of the vote-share would win all of the Congressional districts. He continued in his testimony to discuss how he determined that the Democratic advantage under the 2021 Plan was likely a 7-to-1 advantage based upon the Cook's Partisan Voter Index ("PVI"), referring to Exhibit R.

185. Dr. Lichtman posited through Exhibit T that traditionally there are many midterm losses by the party of the President.

186. Dr. Lichtman testified that the Democrats could have drawn a stronger First Congressional District for themselves in the 2021 Map than they did to ensure a Republican defeat.

187. Dr. Lichtman testified pursuant to Exhibit U that the Democratic advantage in Maryland in federal elections is in the mid to upper 60% range so that the Democratic seat-share in a "fair" plan would exceed 80% of the seats.

188. With reference to Exhibit V, Dr. Lichtman presented a “trend line” from which he concluded that Maryland’s enacted plan was not a partisan gerrymander because a 7-to-1 seat share was not commensurate with the Presidential vote for the Democratic party in 2020. He concluded that based on the trend line, “you would expect Maryland to be close to 100% of the [Congressional] seats.”

189. Utilizing Exhibit W, he testified regarding “unbalanced states” in which the lead party secured more than 64.2% of the vote in the 2020 Presidential election. He included that the Democrats were performing below expectation in terms of its share of Congressional seats.

190. Dr. Lichtman testified that, in his opinion, “empirically, Maryland’s Congressional seat allocation under the 2021 Plan is exactly what you would expect, assuming a 7-to-1 seat share.”

191. He also testified that the Governor’s plan, otherwise referred to as the MCRC Plan, is indicative of a gerrymander by “packing Democrats.” He also concluded it was a gerrymander because it paired two or more incumbents of the opposition party, which he believed to be indicative of a gerrymander as reflected by Exhibit Z.

192. He testified that when you pair incumbents, “you are forcing them to rescrumble and figure out how to rearrange their next election.”

193. He also testified that the MCRC Plan also “dismantled the core of the existing districts and disrupted incumbency advantage again and the balance between representatives and the represented,” referring to Exhibit AA.

194. Referring to Exhibit AB, he concluded that the MCRC Plan unduly packed Democrats, because in the MCRC Plan, there would be six Democratic districts over 70% and four Democratic districts close to or over 80%.

195. He testified further that the MCRC Plan is a "packed gerrymander." He testified that the Governor's Commission developing the plan was "extraordinarily under representative of Democrats" and that the Commission was appointed by a partisan elected official. He also testified that the Governor's instructions in developing the plan helps explain "why it turns out to be a Republican-packed gerrymander and a paired gerrymander"; "no attention was given to incumbency whatsoever." Instructions included considerations to include compactness and political subdivisions which he concludes "automatically" plays into, what he calls, partisan clustering. He also testified that the Governor's Secretary of Planning, Edward Johnson, sat in on deliberations while "there was no comparable Democratic representative sitting in."

196. Dr. Lichtman was critical of every one of Mr. Trende's simulation analyses because each one presumed "zero politics." Dr. Lichtman opined that "when state legislative body creates a plan, political considerations are one element to be balanced with a whole host of other elements and the process of negotiation, bartering, and trading that goes on in the legislative process and a demonstration that politics is not zero, is by not any stretch equivalent to a demonstration that the plan is a partisan gerrymander." He continued in his criticism of Mr. Trende's analysis that Mr. Trende did not provide "an absolute standard" and no comparative state-to-state standard. He testified in criticism of Mr. Trende's simulations not only based on "zero politics," but also because Mr. Trende's simulations did not consider "where to place historic landmarks, historic buildings, deciding how to deal with parks or airports or large open

spaces of water.” He concluded that Mr. Trende’s analysis was deficient because “you can’t measure gerrymandering relative to zero politics, you can’t measure gerrymandering without a standard, and you can’t measure gerrymandering when comparing it to unrealistic simulated plans that don’t consider much of the factors that routinely go into redistricting.”

197. Dr. Lichtman attributed the problems of Republicans across the Congressional districts “not [to] the plan,” but rather “the problem is that they are simply not getting enough votes, an absolutely critical distinction in assessing a gerrymander,” based upon his review of Governor Hogan’s two victories in 2014 and 2018 and the Republican vote-share in the 2014 Attorney General’s race.

198. Dr. Lichtman concluded, in criticism of Mr. Trende’s simulation analyses, that, “[a] supposed neutral plan based upon zero politics and supposedly neutral principles when applied in the real world into a place like Maryland, in fact, as demonstrated by this chart, produces extreme packing to the detriment of Democratic voters in the State of Maryland. Votes are extremely wasted for Democrats in at least half and maybe even more than half of the districts.”

199. Dr. Lichtman, with respect to the 2021 Plan, does not dispute Mr. Trende’s use of the four scores beginning with the Reock score, but opines that the scores of compactness reflect an improvement in compactness from the 2012 plan to the 2021 Plan. He then explains that the county splits decreased from the 2012 plan to the 2021 Plan, specifically, from 21 to 17 splits in the latter.

200. Dr. Lichtman further concluded, using the PVI, that the 2021 Plan “may not even be 7–1 in the real world.” It may be “6–2, or even 5–3.”

201. Dr. Lichtman later concludes that the very structure of the 2021 Plan “pretty much assures that Republicans are going to win two districts and that Democrats have wasted huge numbers of votes in the other districts.”

202. In criticizing Dr. Brunell’s analysis, he concludes that the 2021 Plan is not a gerrymander “just like [the] 2002 and 2012 plans were not gerrymanders.”

203. Ultimately, Dr. Lichtman testified that “through multiple analyses -- affirmative analyses in [his] own report and scrutiny of the analyses of experts for the plaintiffs, it’s clear that the Democrats did not operate to create a partisan gerrymander in their favor,” and that “[t]he Governor’s Commission plan is a partisan gerrymander that favors Republicans.”

204. On cross-examination, Dr. Lichtman testified that non-compactness of Congressional districts could be, and it could not be, an indicator of partisan gerrymandering and concluded that “certainly nothing about compactness or municipal splits or county splits proves that a plan is not fair on a partisan basis, but they can be indicators.”

205. On cross-examination, Dr. Lichtman acknowledged that for the past ten years, even when a midterm election occurred during the Democratic presidency of Barack Obama, the Maryland Delegation has been 7–1 Democratic/Republican, so that the Democrats did not lose any seats in any midterm elections, and prior to that, for a number of years, the outcome of Maryland’s Congressional elections had been 6–2 Democratic/Republican, year after year.

206. Dr. Lichtman, during cross-examination, further stated that he had “checked the addresses of the incumbents to make sure there was not an unfair double bunking, which [Mr. Trende] meant the pairing of incumbents in the same districts” and indicated that he did not see any pairings in the 2021 Plan.

207. Dr. Lichtman, during cross-examination, concluded that if the General Assembly was “intent upon destroying a Republican district, they could have done so and didn’t,” which he concludes was a deliberate decision by Democratic leaders, including the Senate President, Bill Ferguson.” He further concluded that the General Assembly “created a district that Andy Harris is overwhelmingly likely to win in the crucial first election under the redistricting plan.”

208. Finally, Dr. Lichtman stated that he had not seen evidence that the General Assembly bumped “Andy Harris into the Seventh District with Kweisi Mfume.”

209. On cross-examination, Dr. Lichtman reiterated that Mr. Trende’s simulations “do not account for all traditional redistricting ideas. A whole host of them – and we’ve gone over that numerous times – are left out,” and that Mr. Trende’s simulation resulted in an “extraordinarily high degree of packing, which wastes large numbers of Democratic votes to the detriment of Democrats in Maryland.”

210. In response to questioning from the Court, based on his opinion to a reasonable degree of professional certainty as to whether the 2021 Plan comports with Article III, Section 4, of the Maryland Constitution, Dr. Lichtman testified that the 2021 Plan comported with Article III, Section 4 because the drafters “actually made the districts substantially more compact than they had been in 2012 and equally compact as they had been in 2002.” In providing that opinion relative to compactness, Dr. Lichtman testified that “instead of distorting compactness and violating Section 4, they made their district substantially more compact and in line with what compactness had been over long periods of time.” Dr. Lichtman acknowledged that historical compactness is not necessarily the measure of Article III, Section 4 compactness and reiterated that there is no objective standard by which to judge any of the measures utilized by Mr. Trende.

He reiterated that he was “not aware of any study which establishes, on an objective scientific basis, a line you can draw in one or more compactness measures, which would distinguish between compact and noncompact.”

211. In response to the question of whether in his opinion, to a reasonable degree of professional, scientific certainty that the standards of due regard shall be given to the natural boundaries and the boundaries of political subdivisions was met, he acknowledged that he had not done any of his own individual research. He opined, however, that “there has not been the presentation of proof by plaintiffs' experts that it doesn't comply.” He reiterated “Plaintiffs did not prove that the 2021 Plan violates the Constitution.”

212. Dr. Lichtman opined that Article 7 of the Declaration of Rights, dealing with free and frequent elections, Article 24 of the Declaration of Rights, entitled Due Process, as well Article 40, the free speech clause, would not apply to districting because “none of them mentioned districting or anything like that.” He further opined that the free and frequent elections clause “clearly was designed for legislative elections” and that based upon his delineation of its history, that the free speech clause did not apply at all.

213. Dr. Lichtman further opined that he did not think that Article III, Section 4 or any of the provisions in the Maryland Constitution or Declaration of Rights applied to Congressional gerrymandering, nevertheless, even assuming were the standards to apply, partisan considerations would not predominate.

Application of the Law to the Findings of Fact

Applying the law to the findings of fact adduced during a trial with a “battle of the experts” initially requires a trial judge to transparently reflect what weight was given to a particular opinion or sets of opinions and why. Each expert in the instant case was qualified as an expert in particular areas. The qualification of each witness, however, was only the beginning of the analysis.

Whether the expert’s testimony was reliable and helpful to the trier of fact and law, the trial judge herein, informs the weight to be afforded to each of the opinions. Obviously, the newly adopted *Daubert* standard, under *Rochkind v. Stevenson*, 471 Md. 1 (2020), was a point of discussion with respect to the opinions of Mr. Willis and Dr. Lichtman, but that challenge was withdrawn in the end by the Plaintiffs, and the State did not mount a *Daubert* challenge at all. Beyond *Daubert*, then, the weight given to an expert’s opinion depends on many factors including, as well as irrespective, of their qualifications, but based upon a consideration of all of the other evidence in the case, under Maryland Rule 5-702.

In the present case, the trial judge gave great weight to the testimony and evidence presented by and discussed by Sean Trende. His conclusions regarding extreme partisan gerrymandering in the 2021 Plan were undergirded with empirical data that could be reliably tested and validly replicated. He used multifaceted analyses in his studies of compactness and splits of counties and acknowledged the data that he did not consider, such as voter registration patterns, might have yielded additional data, although the reliance on such data had not been studied. He readily acknowledged that he was not yet a PhD, although that title was soon to come, and that he was being paid for his work by the Plaintiffs.

Importantly, although he testified that he was on the Republican side of a number of redistricting cases in which Republican plans had been challenged—*Dickson v Rucho*, No. 11 CVS 16896, 2013 WL 3376658 (N.C. Super. July 08, 2013); *Ohio A. Philip Randolph Inst. v. Smith*, 360 F. Supp. 3d 681 (S.D. Ohio 2018), *vacated sub nom. Ohio A. Philip Randolph Inst. v. Obhof*, 802 F. App'x 185 (6th Cir. 2020); *Whitford v. Nichol*, 151 F. Supp. 3d 918 (W.D. Wis. 2015); *Common Cause v. Rucho*, 318 F. Supp. 3d 777 (M.D.N.C. 2018), *vacated and remanded*, 139 S. Ct. 2484 (2019); and *League of Women Voters of Ohio v. Ohio Redistricting Comm'n*, --- N.E.3d ---, 2022-Ohio-789 (2022)—he apparently learned what would be helpful to a court in evaluating a Congressional redistricting plan, because he clearly relied on methodologies that were persuasive in North Carolina, *Harper v. Hall*, 2022-NCSC-17, 868 S.E.2d 499 (2022), and Pennsylvania, *League of Women Voters of Pa. v. Commonwealth*, 645 Pa. 576 (2018).

The impeachment of Mr. Trende's presentation undertaken by Dr. Lichtman was unavailing, in large part, because of the bias that Dr. Lichtman portrayed against simulated maps utilizing "zero politics" and county splits that "happened" to be less in number than what had occurred in a map that had been the subject of criticism in 2012 at the Federal District Court level but not addressed in *Rucho* in 2019. Mr. Trende's presentation was an example of a deliberate, multifaceted, and reliable presentation that this fact finder found and determined to be very powerful.

Dr. Brunell's testimony and evidence in support was much less valuable and helpful to the trial judge, because to evaluate compactness, the efficiency gap, as presented, did not have the power that was portrayed in other cases. *See e.g., Ohio A. Philip Randolph Inst. v. Householder*, 373 F. Supp. 3d 978 (S.D. Ohio) (finding that around 75% of historical efficiency

gaps around the country were between -10% and 10%, and only around 4% had an efficiency gap greater than 20% in either direction, and therefore, noting that several of Ohio's prior elections had efficiency gaps indicative of a plan that was a "historical outlier," including an efficiency gap of -22.4% in its 2012 election and an efficiency gap of -20% in its 2018 election, compared to efficiency gaps in 2014 and 2016 that were -9% and -8.7%, respectively). Dr. Brunell's presentation was murky and lacking in sufficient detail. He made no attempt to establish the interaction of an efficiency gap analysis with other types of testing for compactness and certainly, no basis to believe that allocating Republicans two of eight Congressional seats is appropriate, let alone reliable or valid.

The opinions of Mr. Willis, while of interest, to gain a perspective as to what legislators considered in 2002, 2012, and possibly may have considered in 2021 to draw the various Congressional boundaries, such as natural boundary lines, "quarters of transportation," the changing nature of the economy, major federal installations and where they are located and their connection to the economy, institutional factors, major employment centers, preservation of land, political considerations, and migration patterns, may in fact be "reasonable," but not, in any way, helpful in the determination of whether "constitutional guideposts" have been honored in the 2021 Plan. As Chief Judge Robert M. Bell from the Maryland Court of Appeals, in 2002 in *In re Legislative Districting of State*, eloquently stated in opinion regarding the influence of such criteria on Constitutional redistricting standards:

Instead, however, the Legislature chose to mandate only that legislative districts consist of adjoining territory, be compact in form, and be of substantially equal population, and that due regard be given to natural boundaries and the boundaries of political subdivisions. That was a fundamental and deliberate political decision that, upon ratification by the People, became part of the organic

law of the State. Along with the applicable federal requirements, adherence to those standards is the essential prerequisite of any redistricting plan.

That is not to say that, in preparing the redistricting plans, the political branches, the Governor and General Assembly, may consider only the stated constitutional factors. On the contrary, because, in their hands, the process is in part a political one, they may consider countless other factors, including broad political and narrow partisan ones, and they may pursue a wide range of objectives. Thus, so long as the plan does not contravene the constitutional criteria, that it may have been formulated in an attempt to preserve communities of interest, to promote regionalism, to help or injure incumbents or political parties, or to achieve other social or political objectives, will not affect its validity.

On the other hand, notwithstanding that there is necessary flexibility in how the constitutional criteria are applied – the districts need not be exactly equal in population or perfectly compact and they are not absolutely prohibited from crossing natural or political subdivision boundaries, since they must do so if necessary for population parity – those non-constitutional criteria cannot override the constitutional ones.

370 Md. at 321–22.

Finally, this trial judge gave little weight to the testimony of Dr. Allan J. Lichtman. Dr. Lichtman's presentation was dismissive of empirical studies presented by Mr. Trende because of their "zero politics" and disavowed their use because of their lack of absolute standards or comparative standards to guide what an outlier is. Juxtaposed against Mr. Trende's use of reliable valid measures that have been accepted in other state courts, such as simulations in North Carolina and Pennsylvania, Dr. Lichtman's own data urged the "realities" of Maryland politics, as he used a "predictive" model to address alleged Democratic concerns about losing not only one, but two or three seats in the midterm election in 2022, because of having a Democratic President in power; in fact the realities of Maryland politics, in the last ten years, under Republican as well as Democratic Presidents, as well as a Republican Governor, have been that the Congressional delegation has stayed essentially the same—7 Democrats to 1 Republican.

Dr. Lichtman's denial of the fact that the 2021 Plan, as enacted, actually "pitted" Congressman Andy Harris against Congressman Kweisi Mfume in the Seventh Congressional District when the 2021 Plan did so, reflects a lack of thoughtfulness and deliberativeness that a trial judge would expect of experts. The fact that only a short period of time was afforded for the development of Dr. Lichtman's report does not excuse that it would have taken a review of the 2021 Plan as enacted in December of 2021, rather than in February of 2022, to know that Congressman Harris had to move to Cambridge to reside in the First Congressional District to avoid being "paired" in the 2021 Plan with a Democratic Congressional incumbent in the Seventh Congressional District.

Finally, although a cold record does not always reflect the nuances of a witness's demeanor, it is apparent from the words Dr. Lichtman used that he was dismissive of the use of a normative or legal framework to evaluate the "structure," as he called it, of redistricting. He began his discussion by referring to legal "machinations" in referring to his testimony discussing a challenge by the plaintiffs in *Vieth v. Jubelirer*, 541 U.S. 267, 124 S. Ct. 1769 (2004) against the redistricting plan of Pennsylvania for Congress, and ended with what amounted to a refrain of an "apologist" of the work of politicians.

There is no question that map-making is an extremely difficult task, but like most of the complexities of the modern world, justifications of map-making must be evaluated by the application of principles—here, the organic law of our State, its Constitution and Declaration of Rights.

Analysis and Conclusion

Application of the legal tenets that survived the Motion to Dismiss, as articulated heretofore, to the Joint Stipulations, Judicial Admissions and the stipulation orally presented by the State at the end of the trial, with consideration of the weight afforded to the evidence presented by the experts yields the conclusion that the 2021 Congressional Plan in Maryland is an “outlier,” an extreme gerrymander that subordinates constitutional criteria to political considerations. In concluding that the 2021 Congressional Plan is unconstitutional under Article III, Section 4, either on its face or through a nexus to the Free Elections Clause, MD. CONST. DECL. OF RTS. art. 7, the trial judge recognized that the 2021 Plan embodies population equality as well as contiguity, as Dr. Brunell acknowledged. The substantial deviation from “compactness” as well as the failure to give “due regard” to “the boundaries of political subdivisions” as required by Article III, Section 4, are the bases for the constitutional failings of the 2021 Plan, which has been challenged in its entirety.

In evaluating the criteria of compactness required under Article III, Section 4, it is axiomatic that it and contiguity, but particularly compactness, “are intended to prevent political gerrymandering.” *1984 Legislative Districting*, 299 Md. at 675 (citing *Schrage v. State Bd. of Elections*, 88 Ill.2d 87 (1981); *Preisler v. Doherty*, 365 Mo. 460 (1955); *Schneider v. Rockefeller*, 31 N.Y.2d 420 (1972); *Opinion to the Governor*, 101 R.I. 203 (1966)). With respect to compactness, while it is true that our cases do not “insist that the most geometrically compact district be drawn,” *In re Legislative Districting of State*, 370 Md. at 361, we recognized that compactness must be evaluated by a court in light of all of the constitutional requirements to

determine if all of them “have been fairly considered and applied in view of all relevant considerations.” *Id.* at 416.

The task of evaluating whether “compactness” and other constitutional requirements have been fairly considered by the Legislature is informed by the various analyses performed by Mr. Trende. Initially, by application of each of the four “most common compactness metrics,” *i.e.*, the Reock score; the Polsby-Popper score; the Inverse Schwartzberg score; and the Convex Hull score, the districts included in the 2021 Plan are “quite non-compact” compared to prior Maryland Congressional maps and to other Congressional maps in other states based upon a comparison of the scores achieved with reference to the four metrics. It is notable that the 2021 Plan reflects compact scores that range from a “limited” number of state maps worse than Maryland, to only six other maps with worse scores, to the worst Inverse Schwartzberg score in the last fifty years in the United States, to “very poorly relative to anything drawn in the last fifty years in the United States.”

The simulations conducted by Mr. Trende, of the type already accepted in North Carolina and Pennsylvania, when infused with the same constitutional criteria as embodied in Article III, Section 4 and allowing for two Voter Rights districts, result in only .14% or 134 maps of the 95,000 reflected produce a victory for President Biden in all eight Congressional districts in Maryland, based upon predictive Presidential votes, as acknowledged by the experts. Importantly, Exhibit 11-C, the Gerrymandering Index exhibit, which embodies all of the constitutional mandates and two Voting Rights districts, reflects that the 2021 Congressional Plan is a “gross outlier”, as Mr. Trende opined, “such that of the 95,000 maps under consideration, only one map had a Gerrymandering Index larger than the 2021 Plan. It is

extraordinarily unlikely that a map that looks like the 2021 Plan could be produced without extreme partisan gerrymandering.” As a result, the notion that the 2021 Plan is compact is empirically extraordinarily unlikely, a conclusion that utilizes comparative metrics and data throughout the various states. The notion that a plan must pass an absolute standard, as Dr. Lichtman suggested, is without merit, for the test is whether the constitutional conditions, especially compactness, are met.

With respect to county splits, it is clear that the number of crossings over county lines are 17 in the 2021 Plan, which is a historically “high number” of splits since 1972, only less than the 21 splits in 2002 and 2012. The importance of the due regard to political subdivisions language is a reflection of the importance of counties in Maryland, as recognized in *Md. Comm. for Fair Representation v. Tawes*, 229 Md. 406 (1962):

The counties of Maryland have always been an integral part of the state government. St. Mary’s County was established in 1634 contemporaneous with the establishment of the proprietary government, probably on the model of the English shire . . . Indeed, Kent County had been established by Claiborne before the landing of the Marylanders . . . We have noted that there were eighteen counties at the time of the adoption of the Constitution of 1776. They have always possessed and retained distinct individualities, possibly because of the diversity of terrain and occupation. . . . While it is true that the counties are not sovereign bodies, having only the status of municipal corporations, they have traditionally exercised wide governmental powers in the fields of education, welfare, police, taxation, roads, sanitation, health and the administration of justice, with a minimum of supervision by the State. In the diversity of their interests and their local autonomy, they are quite analogous to the states, in relation to the United States.

Id. at 411–12. In dissent in *Legislative Redistricting Cases*, 331 Md. 574 (1993), Judge Eldridge reiterated the pivotal governing function of counties:

Unlike many other states, Maryland has a small number of basic political subdivisions: twenty-three counties and Baltimore City. Thus, “[t]he counties in Maryland occupy a far more important position than do similar political divisions in many other states of the union.”

The Maryland Constitution itself recognizes the critical importance of counties in the very structure of our government. See, e.g., Art. I, § 5; Art. III, §§ 45, 54; Art. IV, §§ 14, 19, 20, 21, 25, 26, 40, 41, 41B, 44, 45; Art. V, §§ 7, 11, 12; Art. VII, § 1; Art. XI; Art. XI-A; Art. XI-B; Art. XI-C; Art. XI-D; Art. XI-F; Art. XIV, § 2; Art. XV, § 2; Art. XVI, §§ 3, 4, 5; Art. XVII, §§ 1, 2, 3, 5, 6. After the State as a whole, the counties are the basic governing units in our political system. Maryland government is organized on a county-by-county basis. Numerous services and responsibilities are now, and historically have been, organized at the county level.

The boundaries of political subdivisions are a significant concern in legislative redistricting for another reason: in Maryland, as in other States, many of the laws enacted by the General Assembly each year are public local laws, applicable to particular counties. See *Reynolds v. Sims*, 377 U.S. 533, 580–[81, 84 S.Ct. 1362, 1391, 12 L.Ed.2d 506, 538 (1964) (“In many States much of the legislature’s activity involves the enactment of so-called local legislation, directed only to the concerns of particular political subdivisions”).

Id. at 620–21.

Due regard for political subdivision lines is a mandatory consideration in evaluating compliance with constitutional redistricting, as Chief Judge Bell noted in the 2002 Legislative districting case, *In re Legislative Districting of State*, 370 Md. at 356, such that fracturing counties to the extent accomplished in the 2021 Plan does not even give lip service to the historical and constitutional significance of their role in the way Maryland is governed. To say that the 2021 Plan is four splits better than the 2002 and 2012 Plans (which have never been examined in a State court, let alone sanctioned), and so must be lawful, is a fictitious narrative, because it is inherently invalid; in 2002, Chief Judge Bell, writing on behalf of the Court, rejected similar justifications offered by the experts on behalf of the Defendants in this case. “There is simply an excessive number of political subdivision crossings in this redistricting plan .

. . .” The State has failed to meet its burden to rebut the proof adduced that the constitutional mandate that due regard to political subdivision lines was violated in the 2021 Plan.

To the extent that Dr. Lichtman and Mr. Willis discussed and prioritized a myriad of considerations that Dr. Lichtman called “political” and Mr. Willis called “reasonable factors,” would require that this Court accept their implicit bias that constitutional mandates can be subordinated to politics and/or “reasonable factors.” Again, Chief Judge Bell, more eloquently and precedentially than this judge could, addressed the same justifications offered by the State, then and now, when in 2002, he said,

[b]ut neither discretion nor political considerations and judgments may be utilized in violation of constitutional standards. In other words, if in the exercise of discretion, political considerations and judgments result in a plan in which districts: are non-contiguous; are not compact; with substantially unequal populations; or with district lines that unnecessarily cross natural or political subdivision boundaries, that plan cannot be sustained. That a plan may have been the result of discretion, exercised by the one entrusted with the responsibility of generating the plan, will not save it. The constitution “trumps” political considerations. Politics or non-constitutional considerations never “trump” constitutional requirements.

Id. at 370.

Mr. Trende’s analysis of the 2021 Plan with respect to its extreme nature and its status as an “outlier” reflects the realities of the 2021 Plan: an “outlier means a map that would have a less than five percent chance . . . of being drawn without respect to politics” and with respect to his simulations, a map that is .00001% is “under any reasonable definition of an extreme outlier,” therefore, the 2021 Plan “would fit the bill”; “[i]ts a map that, you know -- if traditional redistricting criteria predominated, would be extraordinarily unlikely to be drawn. You know,

with compactness and respect for county lines, .00001 percent. That's extreme." This trial judge agrees; the 2021 Plan is an outlier and a product of extreme partisan gerrymandering.

With regard to the violations of the of the Articles of the Maryland Declaration of Rights, the 2021 Plan fails constitutional muster under each Article.

With regard to Article 7 of the Maryland Declaration of Rights, the 2021 Congressional Plan, the Plaintiffs, based upon the evidence adduced at trial, proved that the 2021 Plan was drawn with "partisanship as a predominant intent, to the exclusion of traditional redistricting criteria," *Findings of Fact, supra*, ¶ 121, accomplished by the party in power, to suppress the voice of Republican voters. The right for all votes of political participation in Congressional elections, as protected by Article 7, was violated by the 2021 Plan in its own right and as a nexus to the standards of Article III, Section 4.

Alternatively, Article 24, the Maryland Equal Protection Clause, applicable in redistricting cases, was violated under the 2021 Plan. The application of the Equal Protection Clause requires this Court to strictly scrutinize the 2021 Plan and balance what the State presented under a "compelling interest" standard. It is clear from Mr. Trende's testimony that Republican voters and candidates are substantially adversely impacted by the 2021 Plan. The State has not provided a "compelling state interest" to rationalize the adverse effect.

Alternatively, the same rationale holds true for the violation of Article 40 of the Maryland Declaration of Rights, the Free Speech Article, which requires a "strict scrutiny" analysis because a fundamental right is implicated, a citizen's right to vote. In many respects, all of the testimony in this case supports the notions that the voice of Republican voters was diluted

and their right to vote and be heard with the efficacy of a Democratic voter was diminished. No compelling reason for the dilution and diminution was ever adduced by the State.

Finally, with respect to the evaluation of the 2021 Plan through the lens of the Constitution and Declaration of Rights, it is axiomatic that popular sovereignty is the paramount consideration in a republican, democratic government. The limitation of the undue extension of power by any branch of government must be exercised to ensure that the will of the people is heard, no matter under which political placard those governing reside. The 2021 Congressional Plan is unconstitutional, and subverts that will of those governed.

As a result, this Court will enter declaratory judgment in favor of the Plaintiffs, declaring the 2021 Plan unconstitutional, and permanently enjoining its operation, and giving the General Assembly an opportunity to develop a new Congressional Plan that is constitutional. A separate declaratory judgment will be entered as of today's date.

3/25/2022
Date

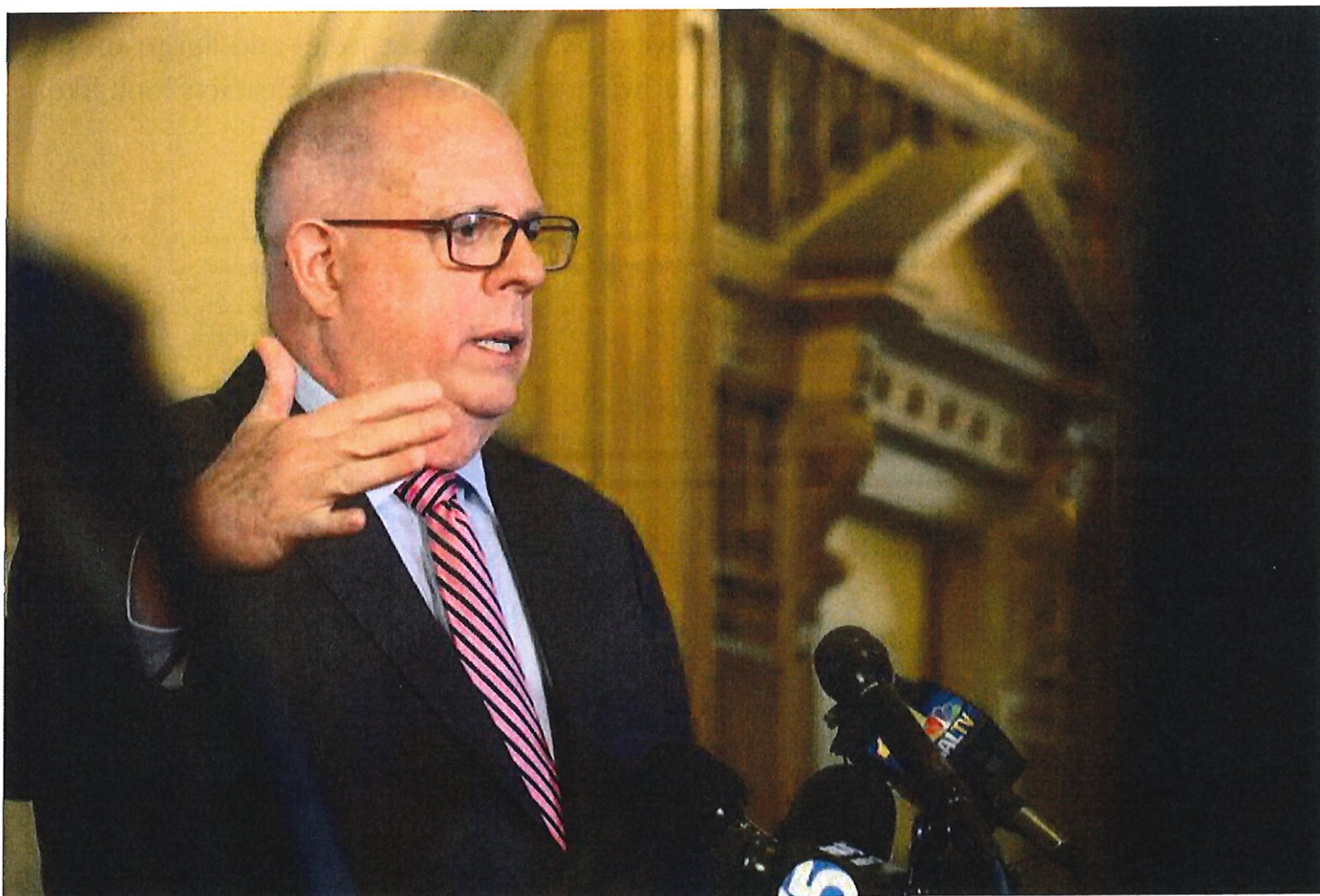

LYNNE A. BATTAGLIA
Senior Judge

GOVERNMENT & POLITICS

Hogan Signs Redrawn Congressional Map; Appeal on Earlier Map To Be Withdrawn

By Bennett Leckrone

April 4, 2022



Gov. Lawrence J. Hogan Jr. (R) spoke with reporters Monday after signing a new congressional redistricting map into law. Photo by Danielle E. Gaines.

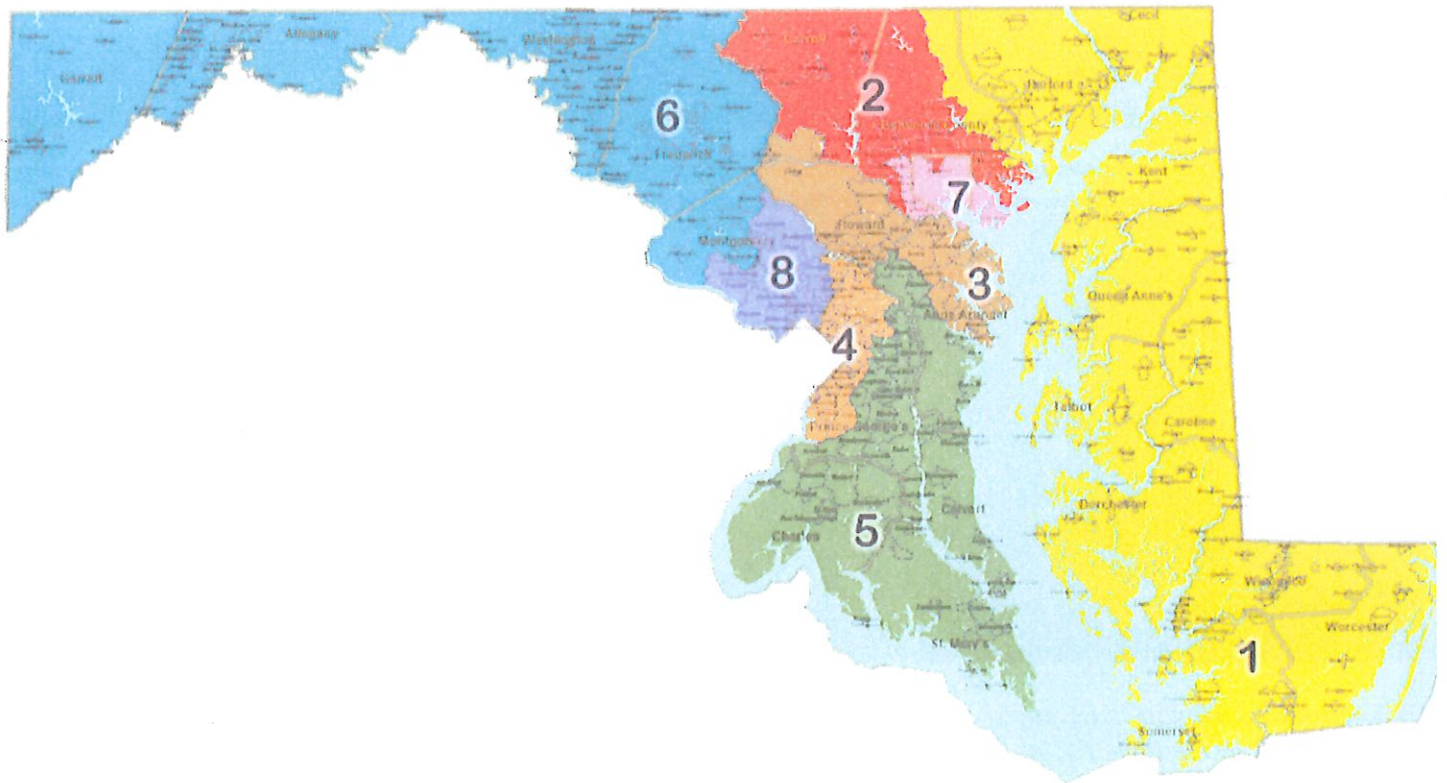
An appeal of a judge's decision to throw out Maryland's congressional map will be withdrawn and a map redrawn by lawmakers last week was signed into law this afternoon by Gov. Lawrence J. Hogan Jr. (R).

The decision to withdraw appeals and sign a quickly redrawn redistricting plan came after Senior Judge Lynne A. Battaglia **threw out** the General Assembly's original congressional map as an "extreme partisan gerrymander" on March 25. Legislative leaders unveiled a new map last Monday and gave final approval to the plan on Wednesday.

"This map is a is a huge step in the right direction," Hogan said Monday afternoon. "It's not perfect, and there's still some issues that I think could be corrected, but it's miles away from the really incredibly gerrymandered map that was thrown out by court."

Hogan was joined by House Speaker Adrienne A. Jones (D-Baltimore County) and Senate President Bill Ferguson (D-Baltimore City) in a private signing ceremony Monday afternoon.

In a joint statement about the decision to move forward this way, Jones and Ferguson said election officials "need to have certainty about what the Congressional districts look like" ahead of the already delayed July 19 primary.



Maryland's new congressional district map, as signed into law by Gov. Lawrence J. Hogan Jr. (R), House Speaker Adrienne A. Jones (D-Baltimore County) and Senate President Bill Ferguson (D-Baltimore City) on Monday.

“The trial judge’s novel interpretation of the Maryland Constitution, continued delays, and lack of clear direction in the appeals process are not in the public’s best interest,” Jones and Ferguson said in the statement.

“It is the job of the General Assembly to craft new maps after the census that comply with the law,” the joint statement reads. “We believe we have now done that with the Congressional map twice. In the interest of democracy, we have presented the Governor with this new Congressional map and believe it complies with the trial court judge’s brand new legal standards. We are hopeful the Governor’s signature will bring an end to the unnecessary confusion for everyone involved.”

Attorney General Brian E. Frosh (D) reiterated the sentiment in a statement Monday morning. “This map, like the one previously passed by the General Assembly, is Constitutional and fair. Both sides have agreed to dismiss their appeals, and our state can move forward to the primary election.”

The new map includes [major shakeups](#) to longstanding district lines, including a 2nd District that now extends from Carroll County to northern Baltimore just south of Towson and a 5th District that no longer includes College Park with Southern Maryland.

The 1st District, which in a map enacted by lawmakers in December would’ve crossed the Chesapeake Bay Bridge to include parts of Anne Arundel County with the Eastern Shore to be more competitive for Democrats, now includes all of Harford County and parts of eastern Baltimore County with the Eastern Shore to be solidly Republican.

And the 6th District would be more competitive for Republicans, including all of Frederick County and less of Montgomery County.

Battaglia found that the map enacted by lawmakers during a December special session violated Article III, Section 4 of the Maryland Constitution, which requires legislative districts be compact and respect natural and political boundaries. That provision was previously interpreted to only apply to state legislative districts and not congressional districts, but Battaglia noted the challenges to a congressional map hadn’t previously played out in state courts and called the lawsuits “a case of first impression.”

Kimball Brace, the president of the redistricting data company Election Data Services who testified on behalf of the state, said during that hearing last week that he analyzed both the new map and the original map enacted by lawmakers and found the redrawn districts to be significantly more compact.

“Compactness has been taken into account, clearly,” Brace said.

Battaglia also concluded that the original plan violated portions of the Maryland Declaration of Rights dealing with free speech, equal protection and “free and frequent” elections.

Battaglia’s ruling came after a four-day trial in the Anne Arundel County Circuit Court in March for a pair of challenges to Maryland’s congressional map. One of those lawsuits, *Szeliga v. Lamone*, was brought by Republican voters from all eight of Maryland’s congressional districts and contended that the new map violated the state constitution by diluting Republican votes; another challenge, brought by Del. Neil C. Parrott (R-Washington) and the national conservative group Judicial Watch, likewise contended that the map violated the state constitution.

In separate interviews, House Majority Leader Eric G. Luedtke (D-Montgomery), who was intimately involved in the redistricting process, and Del. Samuel I. Rosenberg (D-Baltimore City), an adjunct law professor at University of Baltimore and University of Maryland School of Law, said they weren’t sure Battaglia’s order would be cited as precedent in the future.

Both noted that Battaglia was acting as a senior judge on the Anne Arundel County Circuit Court, and that there was never a written opinion on the case from the Maryland Court of Appeals.

“It’s the opinion of a trial court judge,” Rosenberg said. “So it does not have the same precedential weight of a Court of Appeals opinion.”

“I’m not sure how courts will look at that a decade from now,” Luedtke said. “Bottom line is, we have a map.”

Josh Kurtz and Danielle E. Gaines contributed to this report.

This story will be updated.



Bennett Leckrone
Reporter

Bennett Leckrone is a December 2019 graduate of the E.W. Scripps School of Journalism at Ohio University. He has interned at The Chronicle of Higher Education, The Columbus Dispatch,

GOVERNMENT & POLITICS

Special Magistrate Says Court of Appeals Should Deny Challenges to Maryland's State Legislative Map

By Bennett Leckrone
April 4, 2022



The Maryland Court of Appeals building. Photo by Bennett Leckrone.

An advisor to the Court of Appeals recommended Monday that the state's high court reject all four cases challenging Maryland's new legislative map.

All four petitions contended that the maps passed by the General Assembly earlier this year violate the Maryland Constitution's requirement that legislative districts be compact and respect natural and political boundaries.

Special Magistrate Alan M. Wilner, a former Court of Appeals judge, said in a Monday report that the legislative map should stand. His report will serve as a recommendation to the Court of Appeals, which has original jurisdiction over challenges to state legislative maps.

The court is expected to hold a hearing on the report next Wednesday.

Senate President Bill Ferguson (D-Baltimore City) and House Speaker Adrienne A. Jones (D-Baltimore County) said they were "not surprised" by Wilner's findings in a joint statement Monday.

The legislative leaders said they "closely followed the legal standards that have been developed by the State's highest court over last three redistricting cycles."

"Although we are pleased with these findings and recommendations, we recognize that the Court of Appeals must still weigh in on the report," Jones and Ferguson said.

The leaders said they "look forward to getting on with the 2022 election with certainty and with a fair and legal State legislative map that accurately reflects Maryland's diverse population."

Fair Maps Maryland, an anti-gerrymandering group with ties to Gov. Lawrence J. Hogan Jr. (R), criticized Wilner's recommendations in a Monday statement.

"Ultimately, Judge Wilner's report represents the opinion of one person and we strongly disagree with his conclusions," the Fair Maps Maryland statement reads.

The boundaries passed by the Democratic majority in the General Assembly in January largely mirror the state's previous legislative map and shore up several potentially vulnerable Democrats for reelection.

One of the challenges to the map was brought by Delegates Mark N. Fisher (R-Calvert), Nicholas R. Kipke (R-Anne Arundel) and Kathy Szeliga (R-Baltimore County). The three lawmakers contended that their own districts and several others violated the state constitutional requirements.

Strider Dickson, an attorney for three delegates, contended at a March hearing before Wilner that Districts 12, 21, 22, 23, 24, 27, 33 and 47 violate the constitution by either being

non-compact or not respecting natural or political boundaries.

In recommending that the Court of Appeals reject the Republican lawmakers' petition, Wilner said compactness is "an important element," but not the only factor when it comes to mapmaking. He wrote that compactness has historically been regarded as being subject to other considerations, including contiguity, the Federal Voting Rights Act, having districts with roughly equal populations, and keeping residents in the same districts over time.

"A comparison of the current plan with the one it replaces shows that an attempt was made to keep voters in their current districts, with which they are familiar, and to avoid crossing political or natural boundary lines except when required to achieve or maintain population equality," Wilner wrote. "Suggestions in the petitions that political considerations played a role were all on 'information and belief' and were not supported by any compelling evidence."

Another petition contended that use of both single- and multi-member delegate districts, a measure enshrined in the Maryland Constitution, conflicts with other constitutional provisions. David K. Bowersox, an attorney in the petition brought by Dels. Brenda J. Thiam (R-Washington) and Wayne A. Hartman (R-Wicomico) and Republican voter and Hampstead resident Patricia Shoemaker (the wife of House Minority Whip Haven Shoemaker) argued during the March trial that Maryland's use of both single- and multi-member districts conflicts with the Maryland Declaration of Rights' guarantee that elections be "free" and offer equal protection under law.

Bowersox asserted that Marylanders aren't given an equal vote since they vote for one, two or three delegates depending on the district they live in.

"This is not equal," Bowersox said. "Three to one isn't even close."

Wilner noted that the petitioners raised questions about voting equality, and said the issue is "a fair one that deserves attention," but wrote that the issue should be left for the next redistricting cycle.

"The problem is one of time," he wrote. "To strike down a provision of the Maryland Constitution ... that has been an integral part of our redistricting law for 50 years, with a general election on our doorstep and a legislative session about to end, can create as much mischief as it resolves. The entire legislative redistricting plan would need to be reviewed and much of it rewritten."

He said the use of both single- and multi-member delegate districts "has been a fixture in Maryland, however, and can serve a useful purpose of giving minority groups a better

opportunity to elect one of their own.”

“To abolish them would be to declare part of the Maryland Constitution unconstitutional. That has been done before, and that is what it would take to abolish multi-member districts, as requested by petitioners,” Wilner wrote.

Wilner also wrote that the Court of Appeals should deny a petition from Washington County Republican Central Committee President Seth Wilson, who argued at a hearing last month that District 2, which now crosses from Western Maryland into Frederick County, disregards county lines for “no good reason.” Assistant Attorney General Andrea Trento argued that, with Western Maryland counties losing population, an eastward shift in Districts 1 and 2 was necessary.

“There is no legal impediment to including multi-member districts, even when the district or part of it includes residents of another county, at least when that becomes necessary to assure population equality,” Wilner wrote.

Wilner also recommended the high court deny a petition from Anne Arundel County resident David Whitney, whose original petition appeared to take issue with the state’s congressional map. Wilner noted that Whitney submitted a revised petition after the Feb. 10 deadline.

The fate of the four petitions will ultimately be up to the Maryland Court of Appeals.

Five of the court’s current judges were appointed by Gov. Lawrence J. Hogan Jr. (R), including Chief Judge Joseph M. Getty, Hogan’s former chief legislative liaison.

Wilner’s report was released just hours after the [governor and legislative leaders announced a resolution](#) to the fraught congressional redistricting process in which a judge threw out the original map created by the Maryland General Assembly.

The challenge to Maryland’s congressional map in state court was a “case of first impression,” Senior Judge Lynne A. Battaglia, a former Court of Appeals judge who presided over the challenges to Maryland’s congressional map in the Anne Arundel County Circuit Court, said during the trial. Constitutional provisions for compactness and due regard for political and natural boundaries have long been applied to state legislative districts, and Battaglia found that those criteria also apply to congressional districts.

Fair Maps Maryland said the legislative map and the congressional map — now completely replaced — “were produced by the same toxic, closed-door process and it defies common sense that one is substantially different than the other.”

Monthly Statistical Report

Last Transaction Date From: 03/01/2022 To: 03/31/2022

ADDITIONS TO COUNTY REGISTRATION

METHOD	DEM	REP	GRN	LIB	WCP	UNA	OTHERS	TOTAL	EXACT	DUPE
Absentee Ballot Application	0	1	0	0	0	0	0	1	1	1
By Mail	0	2	0	0	0	1	0	3	3	1
ERIC Report	110	48	0	3	0	58	3	222	222	0
In Person	0	0	0	0	0	1	0	1	1	0
Jury Notice	1	0	0	0	0	1	0	2	2	0
Motor Vehicle Administration	127	107	3	4	1	144	6	392	392	4
Online Voter Registration	2	0	0	0	0	1	0	3	3	0
Social Security Administration	1	3	1	0	0	1	0	6	6	0
State Designated Agencies	2	3	0	0	0	2	1	8	8	0
USPS Sticker	17	9	0	0	0	0	0	26	26	0
Volunteers	0	1	0	0	0	0	0	1	1	0
Voter Notification Card	0	1	0	0	0	0	0	1	1	4
TOTAL	260	175	4	7	1	209	10	666	666	10

SUBTRACTIONS FROM COUNTY ACTIVE STATUS

REASON	DEM	REP	GRN	LIB	WCP	UNA	OTHERS	TOTAL
Confirmation Mail Process	1	0	0	0	0	0	0	1
Confirmation Mail Process-NVRA	632	662	1	6	3	249	10	1563
Criminal Conviction/Infamous Crime	2	4	0	0	0	4	0	10
Death Notice	60	74	0	2	0	17	0	153
Death Notices Other than DHMH	9	12	0	0	0	0	0	21
Moved Out of State	17	25	0	0	0	9	0	51
Returned VNC	1	0	0	0	0	2	0	3
Duplicate/Merged	0	0	0	0	0	0	0	0
County Transfer Out	-95	-65	-2	-4	0	-64	-3	-233
TOTAL	817	842	3	12	3	345	13	2035

AFFILIATION CHANGES

CHANGE	DEM	REP	GRN	LIB	WCP	UNA	OTHERS	TOTAL
From	122	91	0	3	1	45	7	269

Monthly Statistical Report

Last Transaction Date From: 03/01/2022 To: 03/31/2022

To	60	87	2	3	8	106	3	269
TOTAL	-62	-4	2	0	7	61	-4	0

CURRENT ACTIVE REGISTRATION

ACTIVITY	DEM	REP	GRN	LIB	WCP	UNA	OTHERS	TOTAL
BEGINNING OF REPORT	31782	43871	146	598	96	21968	919	99380
ADDITIONS (+)	260	175	4	7	1	209	10	666
REINSTATED (+)	4	7	1	0	0	7	0	19
CANCELLED (-)	-80	-103	0	-2	0	-32	0	-217
COUNTY TRANSFER OUT (-)	-95	-65	-2	-4	0	-64	-3	-233
AFFILIATION CHANGES (+ OR -)	-62	-4	2	0	7	61	-4	0
* INACTIVATED (-)	-642	-674	-1	-6	-3	-249	-10	-1585
* REACTIVATED (+)	23	22	1	1	0	23	1	71
END OF REPORT TOTALS	31190	43229	151	594	101	21923	913	98101

Last Transaction Date From: 03/01/2022 To: 03/31/2022

**INACTIVE REGISTRATION
 SUBTRACTIONS FROM COUNTY INACTIVE STATUS**

REASON	DEM	REP	GRN	LIB	WCP	UNA	OTHERS	TOTAL
Absentee Ballot Application	0	1	0	0	0	0	0	1
Confirmation Notice	1	5	0	0	0	1	0	7
Correction	1	0	0	0	0	0	0	1
Criminal Conviction/Infamous Crime	0	0	1	0	0	0	0	1
Death Notice	16	16	0	1	0	1	0	34
Motor Vehicle Administration	18	15	1	1	0	20	2	57
Moved Out of State	20	40	0	0	0	10	1	71
NVRA by Mail	1	0	0	0	0	1	0	2
State Designated Agencies	1	0	0	0	0	1	1	3
Duplicate/Merged	0	0	0	0	0	1	0	1
County Transfer Out	-5	-3	0	0	0	-4	-1	-13
TOTAL	63	80	2	2	0	39	5	191

CURRENT INACTIVE REGISTRATION

ACTIVITY	DEM	REP	GRN	LIB	WCP	UNA	OTHERS	TOTAL
BEGINNING OF REPORT	3149	3556	28	117	5	2709	99	9663
* INACTIVATED (+)	642	674	1	6	3	249	10	1585
* REACTIVATED (-)	-22	-21	-1	-1	0	-23	-3	-71
COUNTY TRANSFER OUT (-)	-5	-3	0	0	0	-4	-1	-13
AFFILIATION CHANGES (+ OR -)	0	0	0	0	0	0	0	0
CANCELLED FROM INACTIVE (-)	-42	-60	-1	-1	0	-13	-1	-118
PENDING FROM INACTIVE (-)	0	0	0	0	0	0	0	0
TOTAL INACTIVE	3722	4146	27	121	8	2918	104	11046

**TOTAL REGISTRATION RECORDS
 ACTIVE AND INACTIVE REGISTRATION**

ACTIVITY	DEM	REP	GRN	LIB	WCP	UNA	OTHERS	TOTAL
ACTIVE REGISTRATION	31190	43229	151	594	101	21923	913	98101
INACTIVE REGISTRATION	3722	4146	27	121	8	2918	104	11046

Board of Elections: Washington
User Name: Hall, Sarah

Monthly Statistical Report

Date: 04/01/2022
Report No.: VR-013

Last Transaction Date From: 03/01/2022 To: 03/31/2022

TOTAL RECORDS 34912 47375 178 715 109 24841 1017 **109147**

Address Changes Within Jurisdiction

Address Changes Statewide

Name Changes

Number of current Statewide voter registration application on hand

Signature of person who prepared the report

Other = Those individuals designating affiliation with a party that is not established under Maryland Law.

1198

60382

413

Confirmation Mailings Sent

Confirmation Responses

Number of NVRA Agency voter registration Applications on hand

Date report completed

Unaffiliated = those individuals declining to affiliate with a party.

3526

56

Precincts Within Districts Voter Count

Districts : LEGISLATIVE DISTRICT - LEGISLATIVE DISTRICT 01C LEGISLATIVE DISTRICT - LEGISLATIVE DISTRICT 02A LEGISLATIVE DISTRICT - LEGISLATIVE DISTRICT 02B
 Status : Active Status Reason: All

District	Dist/Prec & Polling Place	Polling Place Address	DEM	REP	GRN	LIB	WCP	UNA	OTHERS	TOTAL
District Type : LEGISLATIVE DISTRICT										
LEGISLATIVE DISTRICT 01C										
02000-	WILLIAMSPORT HIGH SCHOOL	5 SOUTH CLIFTON DRIVE, WILLIAMSPORT, MD 21795	889	1564	4	32	1	714	38	3242
04000-	CLEAR SPRING HIGH SCHOOL	12630 BROADFORDING ROAD, CLEAR SPRING, MD 21722	429	1407	5	8	4	381	11	2245
05000-	HANCOCK MIDDLE SENIOR HIGH SCHOOL	289 WEST MAIN STREET, HANCOCK, MD 21750	374	1414	3	13	3	474	9	2290
15000-	BIG POOL COMMUNITY HALL	11411 TEDRICK DRIVE, BIG POOL, MD 21711	255	908	0	9	1	276	8	1457
23000-	HERITAGE ACADEMY	12215 WALNUT POINT WEST, HAGERSTOWN, MD 21740	713	2124	7	23	3	655	20	3545
District Total :			2660	7417	19	85	12	2500	86	12779

LEGISLATIVE DISTRICT 02A

01000-	SHARPSBURG ELEM. SCHOOL	17525 SHEPHERDSTOWN PIKE, SHARPSBURG, MD 21782	607	1203	7	14	0	515	23	2369
03005-	EMMA K. DOUB ELEM. SCHOOL	1221 SOUTH POTOMAC STREET, HAGERSTOWN, MD 21740	0	4	0	0	0	2	0	6
06001-	BOONSBORO HIGH SCHOOL	10 CAMPUS AVENUE, BOONSBORO, MD 21713	540	1105	2	11	1	441	21	2121
06002-	BOONSBORO MIDDLE SCHOOL	1 J-H WADE DRIVE, BOONSBORO, MD 21713	755	1211	1	9	0	565	11	2552
07001-	SMITHSBURG ELEM. SCHOOL	67 NORTH MAIN STREET, SMITHSBURG, MD 21783	549	1325	0	13	2	525	23	2437
07002-	SMITHSBURG MIDDLE SCHOOL	68 NORTH MAIN STREET, SMITHSBURG, MD 21783	536	1028	1	14	1	512	18	2110
08000-	PLEASANT VALLEY BAPTIST CHURCH	3346 GAPLAND ROAD, ROHRERSVILLE, MD 21779	487	972	4	7	1	392	11	1874
09000-	LETTERSBURG VFC ACTIVITY CENTER	21140 LETTERSBURG PIKE, HAGERSTOWN, MD 21742	550	1068	2	12	0	417	22	2071
10001-	E. RUSSELL HICKS MIDDLE SCHOOL	1321 SOUTH POTOMAC ST., HAGERSTOWN, MD 21740	874	1177	5	14	5	686	24	2785

Precincts Within Districts Voter Count

Districts : LEGISLATIVE DISTRICT - LEGISLATIVE DISTRICT 01C LEGISLATIVE DISTRICT - LEGISLATIVE DISTRICT 02A LEGISLATIVE DISTRICT - LEGISLATIVE DISTRICT 02B
 Status : Active Status Reason: All

District	Dist/Prec & Polling Place	Polling Place Address	DEM	REP	GRN	LIB	WCP	UNA	OTHERS	TOTAL
District Type : LEGISLATIVE DISTRICT										
LEGISLATIVE DISTRICT 02A										
10002-SOUTH HAGERSTOWN H.S. - GYMNASIUM		1101 SOUTH POTOMAC STREET, HAGERSTOWN, MD 21740	1336	1289	3	22	2	779	35	3466
10003-EASTERN ELEM. SCHOOL		1320 YALE DRIVE, HAGERSTOWN, MD 21742	499	593	0	6	1	298	16	1413
10004-WASHINGTON COUNTY TECHNICAL HS		50 WEST OAK RIDGE DRIVE, HAGERSTOWN, MD 21740	283	412	1	2	1	145	5	849
11001-PLEASANT VALLEY ELEM. SCHOOL		1707 ROHRERSVILLE ROAD, KNOXVILLE, MD 21758	280	404	1	1	0	210	13	909
11002-POTOMAC VALLEY FIRE HALL		2202 DARGAN SCHOOL ROAD, SHARPSBURG, MD 21782	129	235	0	0	1	98	6	469
12000-COMMUNITY VFD OF DISTRICT 12 BANQUET CENTER		18002 TILGHMANTON ROAD, FAIRPLAY, MD 21733	468	1033	3	17	2	425	17	1965
13001-MAUGANSVILLE ELEM. SCHOOL		18023 MAUGANS AVENUE, MAUGANSVILLE, MD 21767	610	1523	3	9	4	508	11	2668
13002-MAUGANSVILLE RURITAN CLUB		18007 MAUGANS AVENUE, HAGERSTOWN, MD 21740	548	731	3	11	3	393	21	1710
14001-RINGGOLD RURITAN CLUB		14247 WINDY HAVEN ROAD, SMITHSBURG, MD 21783	192	466	0	4	0	157	5	824
14002-CASCADE ELEM. SCHOOL		14519 PENNERSVILLE ROAD, CASCADE, MD 21719	215	438	2	6	0	191	5	857
16000-GREENBRIER ELEM. SCHOOL		21222 SAN MAR ROAD, BOONSBORO, MD 21713	739	1434	2	20	1	658	19	2873
18001-BETHEL UNITED METHODIST CHURCH		21006 TWIN SPRINGS DRIVE, SMITHSBURG, MD 21783	494	1149	2	16	1	437	15	2114
18002-MARANATHA BRETHERN CHURCH		19835 SCOTT HILL DRIVE, HAGERSTOWN, MD 21742	703	1060	5	15	4	506	16	2309

Precincts Within Districts Voter Count

Districts : LEGISLATIVE DISTRICT - LEGISLATIVE DISTRICT 01C LEGISLATIVE DISTRICT 02A LEGISLATIVE DISTRICT - LEGISLATIVE DISTRICT 02B
 Status : Active Status Reason: All

District	Dist/Prec & Polling Place	Polling Place Address	DEM	REP	GRN	LIB	WCP	UNA	OTHERS	TOTAL
District Type : LEGISLATIVE DISTRICT										
LEGISLATIVE DISTRICT 02A										
18003-HAGERSTOWN COMMUNITY COLLEGE ARCC BLDG		11400 ROBINWOOD DRIVE, HAGERSTOWN, MD 21742	1158	942	2	20	3	726	30	2881
19000-LITTLE ANTIETAM COMMUNITY CENTER		40 MOUNT VERNON DRIVE, KEEDYSVILLE, MD 21756	526	985	4	11	3	385	12	1926
20000-DOWNSVILLE RURITAN CLUB		8629 DOWNSVILLE PIKE, WILLIAMSPORT, MD 21795	331	895	2	9	1	329	8	1575
24001-WACOHU GRANGE HALL		16412 NATIONAL PIKE, HAGERSTOWN, MD 21740	138	271	1	7	1	121	6	545
25003-SALEM AVE ELEM. SCHOOL		1323 SALEM AVENUE, HAGERSTOWN, MD 21740	21	25	0	0	0	14	0	60
26001-ST. JOSEPH CATHOLIC CHURCH PARISH CENTER		17630 VIRGINIA AVENUE, HAGERSTOWN, MD 21740	674	956	2	16	4	533	23	2208
26002-LINCOLNSHIRE ELEM. SCHOOL		17545 LINCOLNSHIRE ROAD, HAGERSTOWN, MD 21740	642	832	2	11	1	422	16	1926
26003-VALLEY GRACE BRETHERN CHURCH		17310 GAY STREET, HAGERSTOWN, MD 21740	317	529	3	9	0	235	7	1100
26004-HICKORY ELEM. SCHOOL		11101 HICKORY SCHOOL RD, WILLIAMSPORT, MD 21795	637	1097	2	9	3	425	26	2199
27001-FOUNTAINDALE ELEM. SCHOOL		901 NORTHERN AVENUE, HAGERSTOWN, MD 21742	836	1110	6	20	1	526	18	2517
27002-PARAMOUNT ELEM. SCHOOL		19410 LONGMEADOW ROAD, HAGERSTOWN, MD 21742	1038	1222	5	17	1	666	28	2977
*28001			0	0	0	0	0	0	0	0
District Total :			17712	28724	76	352	48	13242	511	60665
LEGISLATIVE DISTRICT 02B										
03001-POTOMAC TOWERS		11 WEST BALTIMORE STREET, HAGERSTOWN, MD 21740	357	157	2	6	1	180	13	716
03002-EMMANUEL UNITED METHODIST CHURCH		802 SUMMIT AVENUE, HAGERSTOWN, MD 21740	508	326	7	11	2	330	13	1197

Precincts Within Districts Voter Count

Districts : LEGISLATIVE DISTRICT - LEGISLATIVE DISTRICT 01C LEGISLATIVE DISTRICT - LEGISLATIVE DISTRICT 02A LEGISLATIVE DISTRICT - LEGISLATIVE DISTRICT 02B
 Status : Active Status Reason: All

District	Dist/Prec & Polling Place	DEM	REP	GRN	LJB	WCP	UNA	OTHERS	TOTAL
District Type : LEGISLATIVE DISTRICT									
LEGISLATIVE DISTRICT 02B									
03003-EMMA K. DOUB ELEM. SCHOOL	1221 SOUTH POTOMAC STREET, HAGERSTOWN, MD 21740	571	510	1	11	2	403	27	1525
03004-GIRLS' INC.	626 WASHINGTON AVENUE, HAGERSTOWN, MD 21740	645	303	6	10	3	360	21	1348
10005-EASTERN ELEM. SCHOOL	1320 YALE DRIVE, HAGERSTOWN, MD 21742	11	14	0	0	0	12	0	37
17001-BESTER ELEMENTARY SCHOOL - GYM	385 MILL STREET, HAGERSTOWN, MD 21740	1632	1256	10	19	6	996	58	3977
18004-MARANATHA BRETHERN CHURCH	19835 SCOTT HILL DRIVE, HAGERSTOWN, MD 21742	252	148	0	3	0	145	6	554
21001-POTOMAC HEIGHTS ELEM. SCHOOL	301 EAST MAGNOLIA AVENUE, HAGERSTOWN, MD 21742	1066	829	9	15	4	568	24	2515
21002-NORTH HAGERSTOWN HIGH SCHOOL	1200 PENNSYLVANIA AVENUE, HAGERSTOWN, MD 21742	840	656	0	10	0	483	23	2012
21003-NORTHERN MIDDLE SCHOOL	701 NORTHERN AVENUE, HAGERSTOWN, MD 21742	482	350	0	12	1	242	8	1095
22001-TRINITY LUTHERAN CHURCH	15 RANDOLPH AVE., HAGERSTOWN, MD 21740	902	430	4	11	8	572	31	1958
22002-PANGBORN ELEMENTARY SCHOOL	195 PANGBORN BOULEVARD, HAGERSTOWN, MD 21740	853	569	1	10	4	459	31	1927
25001-BETHEL GARDENS COMMUNITY CENTER	356 HENRY AVENUE, HAGERSTOWN, MD 21740	548	131	2	6	3	211	13	914
25002-WESTERN HEIGHTS MIDDLE SCHOOL	1300 MARSHALL STREET, HAGERSTOWN, MD 21740	1083	705	7	24	5	709	27	2560
25004-SALEM AVE ELEM. SCHOOL	1323 SALEM AVENUE, HAGERSTOWN, MD 21740	1068	694	7	8	3	562	30	2372
*28002		0	0	0	0	0	0	0	0
District Total :		10818	7078	56	156	42	6232	325	24707
LEGISLATIVE DISTRICT TOTAL :		31190	43219	151	593	102	21974	922	98151

Date	Time ^{1,2}	Event Name	Description	Computation	Legal Authority ³
Friday, January 1, 2021		New Year's Day	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Wednesday, January 13, 2021		General Assembly Convenes	Lasts 90 days.	2nd Wednesday in January.	MD Const. Art. III, § 14
Monday, January 18, 2021		Martin Luther King Jr.'s Birthday	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Wednesday, January 20, 2021	11:59 pm	Campaign Finance Report	Deadline to file annual campaign finance report for all political committees.	3rd Wednesday in January.	EL § 13-309(b)(2)
Monday, February 15, 2021		President's Day	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Tuesday, March 23, 2021	COB	Begin Candidate Filing	First day candidates for the 2022 election can file a Certificate of Candidacy.	1 year before the deadline to file a Certificate of Candidacy.	SBE Policy
Monday, April 12, 2021		General Assembly Ends	Lasts 90 days.	90 days after General Assembly convenes.	MD Const. Art. III, § 15
Monday, May 3, 2021	COB	Request for Advance Determination of Sufficiency for 2021 Referendum Petition	Deadline for petition sponsor to submit to SBE a request for advance determination of sufficiency of a referendum petition format.	At least 30 days before the deadline to file a petition.	EL § 6-210(a)(1)
Monday, May 10, 2021	COB	Determination of Referendum Petition Format Sufficiency	Deadline for SBE to determine sufficiency of a referendum petition format.	Within 5 days of receiving the request for advance determination.	EL § 6-210(a)(2)
Wednesday, May 12, 2021	COB	Notification of Outcome of Advance Determination of a Referendum Petition Format	Deadline for SBE to notify petition sponsor of the approval or deficiency of referendum petition format.	Within 2 business days after determining sufficiency of referendum petition format.	EL § 6-210(b)
Monday, May 31, 2021		Memorial Day	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Monday, May 31, 2021	11:59 pm	Filing Referendum Petition on Acts of the 2021 General Assembly	Deadline for petition sponsor to file petition with Secretary of State including at least one-third of the referendum petition signatures and a petition fund report.	Petitions are filed with the Secretary of State before the 1st day of June. (Date does not move to next business day because of holiday)	MD Const. Art. XVI, § 3(b)
Tuesday, June 1, 2021	11:59 pm	Title 14 Contribution Report	Deadline for disclosure of contributions by persons doing business with Maryland government and/or employing a lobbyist.	Report due every May 31 and November 30.	EL § 14-104(b)(2)(ii)(2)
Friday, June 18, 2021		Juneteenth	State holiday. SBE and most local boards will be closed.		Governor's Proclamation
Monday, June 21, 2021	COB	Verification and Counting of Referendum Petition	Deadline for the local boards to verify and count the first submission of the required signatures on the referendum petition.	Within 20 days after the filing of a petition.	EL § 6-210(c)
Wednesday, June 23, 2021	COB	Certification of Referendum Petition	Deadline for SBE to certify the results of the first submission of the required signatures.	Within 2 business days after verification and counting is completed; deadline is extended if judicial review is pending.	EL § 6-210(d)
Monday, June 28, 2021		Early Voting Center Approval Form	Deadline for SBE to provide the local boards with the form for a proposed early voting center.	At least one year before a primary election.	COMAR 33.17.02.02A(1)
Wednesday, June 30, 2021	11:59 pm	Filing Referendum Petition on Acts of the 2021 General Assembly	Deadline for petition sponsor to submit to Secretary of State the balance of referendum petition signatures and a petition fund report.	Petitions are filed with the Secretary of State by the 30th day of June.	MD Const. Art. XVI, § 3(b)
Monday, July 5, 2021		Independence Day	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Tuesday, July 6, 2021	COB	Judicial Review of Referendum Petition Certification - First Signature Submission	Deadline for petition sponsor to seek judicial review of required signatures.	10th day following SBE's determination on the certification of the first submission of signatures.	EL § 6-210(e)
Tuesday, July 20, 2021	COB	Verification and Counting of Referendum Petition	Deadline for the local boards to verify and count the balance of the signatures on the referendum petition.	Within 20 days after the filing of the balance of the petition signatures.	EL § 6-210(c)
Thursday, July 22, 2021	COB	Certification of Referendum Petition	Deadline for SBE to certify the results of the full referendum petition verification.	Within 2 business days after verification and counting of the balance of petition signatures is completed; deadline is extended if judicial review is pending.	EL § 6-210(d)
Monday, August 2, 2021	COB	Judicial Review of Referendum Petition Certification - Balance of Signatures Submission	Deadline for petition sponsor to seek judicial review of referendum petition certification.	10th day following SBE's determination on the certification of the balance of signatures.	EL § 6-210(e)
Monday, September 6, 2021		Labor Day	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Friday, September 17, 2021		Constitution Day and Citizenship Day	Commemorate the signing of the U.S. Constitution and require public schools to celebrate the day and instill in students knowledge of history, importance, and the meaning of the U.S. Constitution and Maryland Constitution.	Anniversary of signing of the U.S. Constitution on September 17, 1787.	Education Art., § 7-116
Monday, October 11, 2021		Columbus Day	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201

Tuesday, October 26, 2021		Determination of Number of Registered Voters (Early Voting Centers)	Deadline for the State Administrator to determine the number of active registered voters for use when determining the number of early voting centers in each jurisdiction.	Tuesday that is 8 months before a primary election.	COMAR 33.17.02.01A(1)
Monday, November 1, 2021		Notice of Number of Early Voting Centers	Deadline for the State Administrator to provide the local boards with the number of early voting centers in each jurisdiction.	Within 5 days of determination of number of registered voters.	COMAR 33.17.02.01B
Thursday, November 11, 2021		Veteran's Day	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Thursday, November 25, 2021		Thanksgiving	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Friday, November 26, 2021		American Indian Heritage Day	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Monday, November 29, 2021		Early Voting Center Approval Form	Deadline for the local boards to submit to SBE a form for each proposed early voting center.	At least 7 months before a primary election.	COMAR 33.17.02.02A(2)
Tuesday, November 30, 2021	11:59 pm	Title 14 Contribution Report	Deadline for disclosure of contributions by persons doing business with Maryland government and/or employing a lobbyist.	Report due every May 31 and November 30.	EL § 14-104(b)(2)(ii)(2)
Friday, December 24, 2021		Christmas	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Tuesday, December 28, 2021	COB	Designation of Early Voting Centers	Deadline for SBE, in collaboration with the local boards, to designate early voting centers.	No later than 6 months before a primary election.	EL § 10-301.1(c) (2009 Laws of Maryland)
Tuesday, December 28, 2021	COB	Determination of Eligible Primary Election Voters	Deadline for the chairs of the principal political parties to notify SBE whether they will allow voters not affiliated with their political party to vote in the primary election.	6 months prior to a primary election.	EL § 8-202(c)
Friday, December 31, 2021		New Year's Day	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Monday, January 3, 2022		Determination of Number of Registered Voters (Nomination Petition)	Deadline for SBE to determine the number of registered voters required to satisfy the requirement for a nomination by petition.	January 1st of the year of a primary election for which the nomination is sought.	EL § 5-702(e)(3)
Wednesday, January 12, 2022		General Assembly Convenes	Lasts 90 days.	2nd Wednesday in January.	MD Const. Art. III, § 14
Monday, January 17, 2022		Martin Luther King Jr.'s Birthday	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Wednesday, January 19, 2022	11:59 pm	Campaign Finance Report	Deadline to file annual campaign finance report for all political committees.	3rd Wednesday in January.	EL § 13-309(b)(2)

* This calendar includes dates affected by legislation enacted through the 2020 Legislative Session. The calendar will be updated after the 2021 Legislative Session.
 ** Date is calculated on a deadline that may be performed ahead of a documented date. Verify with board of elections.
 1 Under Maryland law, if a deadline is a Saturday, Sunday or State holiday, the deadline is moved to the next regular business day. See EL § 1-301.
 2 COB means close of business. For SBE, the close of business is 5 pm. Because the close of business varies by county, please contact the appropriate local board of elections or circuit court to find out when the office closes.
 3 Most citations refer to the Election Law (EL) Article of the Annotated Code of Maryland. COMAR refers to the Code of Maryland Regulations. USC refers to the United States Code.

Tuesday, May 31, 2022	11:59 pm	Filing Referendum Petition on Acts of the 2022 General Assembly	Deadline for petition sponsor to file petition with Secretary of State including at least one-third of the referendum petition signatures and a petition fund report.	Petitions are filed with the Secretary of State before the 1st day of June.	MD Const. Art. XVI, § 3(b)
Saturday, June 4, 2022		Transmitting Mail-in Ballots	Deadline for election officials to transmit mail-in ballots to certain voters unless the Federal Voting Assistance Program grants the State a waiver of the deadline.	No later than 45 days before an election unless the Federal Voting Assistance Program grants the State a waiver of the 45 day transmittal deadline.	52 USC § 20302(a)(8)(A)
Tuesday, June 7, 2022		Public Education for Early Voting	SBE and local boards start public education about early voting.	30 days before early voting for an election.	EL § 10-301.1(f)
Monday, June 13, 2022	**	Review of Early Voting Security Plan	Deadline for the State Administrator to review and provide feedback on a local board's early voting security plan.	Within 30 days of receipt of an early voting security plan.	COMAR 33.17.02.04C(2)
Tuesday, June 14, 2022	11:59 pm	Campaign Finance Report	Deadline to file first pre-primary report for political committees participating in the gubernatorial election.	5th Tuesday before a primary election.	EL § 13-309(a)(2)
Monday, June 20, 2022		June 19th	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Tuesday, June 21, 2022	COB	Verification and Counting of Referendum Petition	Deadline for the local boards to verify and count the first submission of the required signatures on the referendum petition.	Within 20 days after the filing of a petition.	EL § 6-210(c)
Wednesday, June 22, 2022	**	Early Voting & Election Day Supply Verification	Deadline for the local boards to verify voting supplies according to the supply verification plan.	No later than 15 days before early voting starts.	SBE policy
Thursday, June 23, 2022	COB	Certification of Referendum Petition	Deadline for SBE to certify the results of the first submission of the required signatures.	Within 2 business days after verification and counting is completed; deadline is extended if judicial review is pending.	EL § 6-210(d)
Tuesday, June 28, 2022	5 pm in office 11:59 pm on-line	Close of Registration & Party Affiliation Change Deadline	Deadline to register to vote, update registration or change party affiliation for the primary election.	21st day preceding an election.	EL § 3-302(a)
Tuesday, June 28, 2022	5:00 pm	Polling Place Reassignment	Deadline for elderly voters or voters with disabilities to submit a request to the local boards for reassignment to an accessible polling place.	No later than the close of registration before an election.	EL § 10-102(b)(1)
Tuesday, June 28, 2022	5:00 PM	Voter Registration Lists	Deadline for a registered voter to request a voter registration list (New requests will not be taken until registration reopens).	On or before the registration deadline.	COMAR 33.03.02.05(B)(1)
Thursday, June 30, 2022		Notice of Election	Deadline for the local boards to provide notice of the election.	At least one week before any early voting period before an election.	EL § 8-102(a)(1)
Thursday, June 30, 2022	11:59 pm	Filing Referendum Petition on Acts of the 2022 General Assembly	Deadline for petition sponsor to submit to Secretary of State the balance of referendum petition signatures.	Petitions are filed with the Secretary of State by the 30th day of June.	MD Const. Art XVI, § 3(b)
Monday, July 4, 2022		Independence Day	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Tuesday, July 5, 2022	5 pm	Declaration of Intent	Deadline for a candidate who seeks nomination by a recognized non-principal party to file a <i>Declaration of Intent</i> to seek nomination.	First Monday in July.	EL § 5-703(c)(3)(i)
Tuesday, July 5, 2022	5 pm	Declaration of Intent	Deadline for an unaffiliated candidate or a candidate who is affiliated with a non-recognized political party who intends to seek nomination by petition to file a <i>Declaration of Intent</i> to seek nomination.	First Monday in July.	EL § 5-703(c)(3)(i)
Tuesday, July 5, 2022	COB	Judicial Review of Referendum Petition Certification - First Signature Submission	Deadline for petition sponsor to seek judicial review of referendum petition certification of the first submission of the required signatures.	10th day following SBE's determination on the certification of the first submission of signatures or 69th day before the general election (August 31, 2022), whichever is earlier.	EL § 6-210(e)
Tuesday, July 5, 2022	COB	Request for Advance Determination of Sufficiency for Candidacy or New Party Petition Format	Deadline for candidate or petition sponsor to submit to SBE or the appropriate local board a request for advance determination of sufficiency of a candidacy or new party petition format.	At least 30 days before the deadline to file the petition but not more than 2 years and one month before the deadline to file petition.	EL § 6-210(a)(1)
Tuesday, July 5, 2022	COB	Request for Advance Determination of Sufficiency for Charter Amendment Petition Format	Deadline for petition sponsor to submit to the appropriate local board a request for advance determination on the sufficiency of a charter amendment petition format.	At least 30 days before the deadline to file the petition but not more than 2 years and one month before the deadline to file petition.	EL § 6-210(a)(1)

Tuesday, July 5, 2022	COB	Logic and Accuracy Testing - Early Voting (Public Demonstration & Notice)	Deadline for the local boards to complete logic and accuracy testing of the voting units being used for early voting. (Note: A public demonstration of the test must be conducted before any voting units are delivered to an early voting center. Notice of the public demonstration must be provided at least 10 days before the demonstration.)	At least 14 days before an election.	COMAR 33.10.02.14, 16
Wednesday, July 6, 2022	5 pm	Campaign Signs	Beginning of period when campaign signs must be allowed at early voting centers.	The day before early voting starts.	EL § 10-101(a)(3)(iii)(2)
Thursday, July 7, 2022	7 am to 8 pm	Early Voting Begins	Early voting for the primary election begins.	2nd Thursday before an election through the Thursday before an election.	EL § 10-301.1
Friday, July 8, 2022	COB	Voter Registration Lists	Deadline for SBE and the local boards to prepare a voter registration list that includes registrants through the registration deadline.	Within 10 days of the voter registration deadline.	COMAR 33.03.02.05C(2)
Friday, July 8, 2022	11:59 pm	Campaign Finance Report	Deadline to file second pre-primary report for political committees participating in the gubernatorial election.	2nd Friday before a primary election.	EL § 13-309(a)(3)
Monday, July 11, 2022	COB	Logic and Accuracy Testing - Election Day	Deadline for the local boards to complete logic and accuracy testing of the election management system and voting units being used for election day voting and absentee and provisional voting. (Note: A public demonstration of the test must be conducted before any voting units are delivered to an early voting center.)	At least 10 days before an election.	COMAR 33.10.02.14, 16
Monday, July 11, 2022		Notice of Canvass	Deadline for the local boards to provide notice of the absentee and provisional canvasses.	At least 10 days before the first absentee canvass.	COMAR 33.08.01.05-1(B)
Monday, July 11, 2022	COB	Judicial Review of any Ballot Printing Errors	Deadline for a registered voter to seek judicial review if an error is discovered after the ballots have been printed and the local boards fail to correct the error.	Not later than the 2nd Monday preceding an election.	EL § 9-209(c)
Monday, July 11, 2022	COB	Determination of Candidacy or New Party Petition Sufficiency	Deadline for SBE or the appropriate local board to determine sufficiency of a candidacy or new party petition.	Within 5 days of reviewing request of advance determination.	EL § 6-210(a)(2)
Monday, July 11, 2022	COB	Determination of Charter Amendment Petition Sufficiency	Deadline for the local boards to determine sufficiency of a charter amendment petition format.	Within 5 days of reviewing request of advance determination.	EL § 6-210(a)(2)
Tuesday, July 12, 2022	8 pm (mail) or 11:59 pm (fax/email)	Ballot Request Deadline: Ballot Delivered by Mail or Fax	Deadline for a registered voter to request a mailed or faxed mail-in ballot.	Tuesday before an election.	EL § 9-305(b)(1); COMAR 33.11.02.02E
Wednesday, July 13, 2022	COB	Notification of Outcome of Advance Determination of a Candidacy or New Party Petition Format	Deadline for SBE or the appropriate local board to notify candidate or petition sponsor of the approval or deficiency of candidacy or new party petition format.	Within 2 business days after determining sufficiency of a candidacy or new party petition format.	EL § 6-210(b)
Wednesday, July 13, 2022	COB	Notification of Outcome of Advance Determination for Charter Amendment Petition Format	Deadline for the local boards to notify petition sponsor of the approval or deficiency of charter amendment petition format.	Within 2 business days after determining sufficiency of charter amendment petition format.	EL § 6-210(b)
Thursday, July 14, 2022	7 am to 8 pm	Early Voting Ends	Early voting for the primary election ends.	2nd Thursday before an election through the Thursday before an election.	EL § 10-301.1
Friday, July 15, 2022	8 am	Campaign Signs	End of period when campaign signs must be allowed at early voting centers.	The day after early voting ends.	EL § 10-101(a)(3)(iii)(2)
Friday, July 15, 2022	5 pm (mail) or 11:59 pm (email/fax)	Ballot Request Deadline: Ballot Delivered via Internet	Deadline for a registered voter to request an electronic mail-in ballot.	Friday before an election.	EL § 9-305(b)(2)
Monday, July 18, 2022	5 pm	Campaign Signs	Beginning of period when campaign signs must be allowed at polling places.	The day immediately preceding election day.	EL § 10-101(a)(3)(iii)(2)
Tuesday, July 19, 2022	7 am to 8 pm	Primary Election	Gubernatorial Primary Election Day.	Order by Court of Appeals	Order by Court of Appeals
Tuesday, July 19, 2022	8 pm	Ballot Request Deadline: Voter Picks Up Ballot	Deadline for a registered voter or voter's agent to request a mail-in ballot in person at a local board.	No later than the close of the polls on election day.	EL § 9-305(b)(3); COMAR 33.11.02.04A
Tuesday, July 19, 2022	8 pm	Extended Voter Registration Deadline	Extended deadline for receipt of voter registration applications sent by mail for voting in the primary election.	An application received by mail after the close of registration is timely if it is properly postmarked.	EL § 3-302(c); COMAR 33.05.04.01C, D
Tuesday, July 19, 2022	8 pm	Mail-in Ballot Deadline	Deadline for the local boards to receive a mail-in ballot.	A mail-in ballot is timely received if it is received by the local board before 8 pm on election day.	COMAR 33.11.03.08B(1)

Tuesday, July 19, 2022	8 pm	Precincts for Post-Election Verification & Audits	Deadline for local boards to select randomly the precincts for post-election verification and audits.	8 pm on election day.	COMAR 33.08.05.04
Wednesday, July 20, 2022	8 am	Campaign Signs	End of period when campaign signs must be allowed at polling places.	The day immediately after election day.	EL § 10-101(a)(3)(iii)(2)
Wednesday, July 20, 2022	COB	Verification and Counting of Referendum Petition	Deadline for the local boards to verify and count the balance of the signatures on the referendum petition.	Within 20 days after the filing of the balance of the petition signatures.	EL § 6-210(c)
Thursday, July 21, 2022	10 am	Mall-in Ballot Canvass 1	Local boards of canvassers are required to begin the 1st canvass of mail-in ballots.	10 am on the Thursday after an election.	COMAR 33.11.04.03A(1)
Friday, July 22, 2022		Precincts for Post-Election Verification & Audits	Deadline for the local boards to submit to the State Administrator a list of the precincts selected for the post-election verification and audits.	Within 3 days of selecting the precincts.	COMAR 33.08.05.04
Friday, July 22, 2022	COB	Certification of Referendum Petition	Deadline for SBE to certify the results of the full referendum petition verification.	Within 2 business days after verification and counting is completed; deadline is extended if judicial review is pending.	EL § 6-210(d)
Tuesday, July 26, 2022		Certification of General Assembly Ballot Questions	Deadline for SBE to prepare and certify to the local boards ballot questions referred by the General Assembly to voters of one county or part of one county.	105th day before a general election.	EL § 7-103(c)(2)
Wednesday, July 27, 2022	10 am	Provisional Ballot Canvass	Local boards of canvassers are required to begin the canvass of provisional ballots.	10 am on the 2nd Wednesday after an election.	COMAR 33.16.05.02
Friday, July 29, 2022	10 am	Extended Mail-in Ballot Deadline	Deadline for the local boards to receive mail-in ballots by mail.	10 am on the 2nd Friday after an election provided there is a proper postmark or date on voter's oath.	COMAR 33.11.03.08B(4)(a)
Friday, July 29, 2022	10 am	Mall-in Ballot Canvass 2	Local boards of canvassers are required to begin the 2nd canvass of mail-in ballots.	10 am on the 2nd Friday after an election.	COMAR 33.11.04.03A(2)
Friday, July 29, 2022		Post-Election Audit	Deadline for the local boards to conduct the post-election verification and audits.	Before certifying the results of an election.	COMAR 33.08.05.02A
Friday, July 29, 2022		Verification of Vote Count	Deadline for the local boards of canvassers to verify the primary election vote count.	Within 10 days after an election and before certifying the results of an election.	EL § 11-308(a)
Friday, July 29, 2022		Certification of the Election	Deadline for the local boards of canvassers to certify the results of primary election.	After the verification of vote count is completed.	EL § 11-308(b)
Friday, July 29, 2022		Transmittal of Results	Local boards of canvassers must transmit certified copies of election results to the Governor, SBE, and appropriate Clerk of the Circuit Court.	2nd Friday after an election or if canvass is completed after that day, within 48 hours after completion.	EL § 11-401(c)
Monday, August 1, 2022		Voter Registration Reopens	Voter registration reopens.	11th day after an election.	EL § 3-302(a)
Monday, August 1, 2022		Statewide Certification of Results	Deadline for SBE to convene to certify election results.	2 days after official results are received from the local boards.	EL § 11-501(a)
Monday, August 1, 2022		Petition for Recount - Local Offices	Deadline to file a petition for a recount of the votes cast for a local office on the ballot.	Within 3 days after the results of an election have been certified by the local board.	EL § 12-101(d)
Monday, August 1, 2022	COB	Judicial Review of Referendum Petition Certification - Balance of Signatures Submission	Deadline for petition sponsor to seek judicial review of referendum petition certification.	10th day following SBE's determination on the certification of the balance of signatures or 69th day before a general election (August 31, 2022), whichever is earlier.	EL § 6-210(e)
Monday, August 1, 2022	COB	Filing New Party Petition	Deadline for petition sponsor to file with SBE a new political party petition.	1st Monday in August.	EL § 4-102(c)(2)(ii)
Monday, August 1, 2022	5 pm	Filing Candidacy Petition & Certificate of Candidacy	Deadline for general election petition candidate to file with SBE or the appropriate local board the Certificate of Candidacy and candidacy petition.	1st Monday in August.	EL § 5-703(d) & (f)
Monday, August 1, 2022	5 pm	Filing Certificates of Nomination and Candidacy	Deadline for candidates seeking nomination from a non-principal political party to file with SBE or the appropriate local board the Certificate of Nomination and Certificate of Candidacy.	1st Monday in August.	EL § 5-703.1(d) & (e)
Monday, August 1, 2022		Filing of Appellate Judges	Deadline for Clerk of the Court of Appeals and Clerk of the Court of Special Appeals to provide notice to SBE of the names of judges to be placed on the ballot.	1st Monday in August.	EL § 5-301(f)
Monday, August 1, 2022	COB	Filing Charter Amendment Petition	Deadline for petition sponsor to file with local government authority a charter amendment petition.	99th day before an election.	EL § 7-104(b)
Tuesday, August 2, 2022	COB	Declination of Nomination	Deadline for declination of nomination by a filed candidate before general election.	1st Tuesday in August.	EL § 5-801(b)(2)(f)
Thursday, August 4, 2022	COB	Petition for Recount - State Offices	Deadline to file a petition for a recount of the votes cast for a State office on the ballot.	Within 3 days after the results of an election have been certified.	EL § 12-101(c)

Friday, August 5, 2022			Certification of Statewide Ballot Questions and Questions Relating to an Enactment of the General Assembly Petitioned to Referendum	Deadline for Secretary of State to certify to SBE statewide ballot questions and questions relating to Acts of the General Assembly (except for questions referred to the voters of one county or a part of one county) petitioned to referendum.	95th day before a general election.	EL § 7-103(c)(1)
Friday, August 5, 2022			Certification of Ballot Question Language	Deadline for municipal attorney to certify the ballot question language for ballot questions for voters of that municipality.	95th day before a general election.	EL § 7-103(c)(4)
Friday, August 5, 2022			Certification of Local Ballot Questions	Deadline for County Attorney or Baltimore City Solicitor to certify to SBE each question to be voted on in the county or part of the county.	95th day before a general election.	EL § 7-103(c)(3)(i)
Friday, August 5, 2022			Alternate Certification of Local Ballot Questions	Deadline for Clerk of the Circuit Court to prepare and certify to SBE local ballot questions if the County Attorney or Baltimore City Solicitor does not do so.	1st Friday in August.	EL § 7-103(c)(3)(ii)
Monday, August 8, 2022			Greeter Election Judge Exemption Request	Deadline for the local boards to request an exemption to assign greeter election judges at each early voting center.	No later than 3 months before an election.	COMAR 33.19.03.01D(2)
Wednesday, August 10, 2022			Request to Waive Mail-in Ballot Mailing Deadline	Deadline for SBE to submit a request to the Federal Voting Assistance Program for a waiver of the deadline to transmit ballots to certain voters.	At least 90 days before an election.	52 USC § 20302(g)(3)(A)
Wednesday, August 10, 2022			NVRA Confirmation Mailing Deadline	Deadline for the local boards to send to voters confirmation mailings to verify addresses and make voters inactive.	No later than 90 days before an election.	52 USC § 20507(c)(2)(A)
Friday, August 12, 2022		COB	Vacancy by Declination of Nomination	For all offices except Governor and Lt. Governor, deadline for the appropriate central committee(s) to fill a vacancy caused by a candidate filing a declination of nomination.	88th day before a general election.	EL §§ 5-1002(b)(1), 5-1003(b)(4), & 5-1004(b)
Monday, August 15, 2022	**		Greeter Election Judge Exemption Determination	Deadline for the State Administrator to respond to a local board's request for an exemption to assign greeter election judges at each early voting center.	Within 5 business days of a local board's request.	COMAR 33.19.03.01D(3)
Monday, August 15, 2022			Death or Disqualification of Candidate	Last day to remove a candidate's name from the ballot due to the candidate's death or disqualification.	85th day before an election.	EL § 5-801(d)
Friday, August 19, 2022			Vacancy by Death or Disqualification	For all offices except Governor and Lt. Governor, deadline for the appropriate central committee(s) to fill a vacancy caused by the death or disqualification of a filed candidate.	81st day before a general election.	EL §§ 5-1002(b)(1), 5-1003(b)(5), & 5-1004(b)
Monday, August 22, 2022			Challenge Residency of Candidate	For all offices except Governor and Lt. Governor, deadline to file challenge to residency of the candidate selected by the appropriate central committee(s) to replace the candidate who died or was disqualified.	80th day before a general election.	EL § 5-305(c)
Monday, August 22, 2022	**	COB	Verification and Counting of Candidacy or New Party Petition	Deadline for the local boards to verify and count the signatures on a candidacy or new party petition.	Within 20 days after the filing of a petition.	EL § 6-210(c)
Monday, August 22, 2022	**	COB	Verification and Counting of Charter Amendment Petition	Deadline for the local boards to verify and count the signatures on a charter amendment petition.	Within 20 days after the filing of a petition.	EL § 6-210(c)
Wednesday, August 24, 2022	**	COB	Certification of Candidacy or New Party Petition	Deadline for SBE or the appropriate local board to certify the results of the candidacy or new party petition verification.	Within 2 business days after verification and counting is completed; deadline is extended if judicial review is pending.	EL § 6-210(d)
Wednesday, August 24, 2022	**	COB	Certification of Charter Amendment Petition	Deadline for the local boards to certify the results of the charter amendment petition verification.	Within 2 business days after verification and counting is completed; deadline is extended if judicial review is pending.	EL § 6-210(d)
Tuesday, August 30, 2022		11:59 pm	Campaign Finance Report	Deadline to file the first pre-general report for political committees participating in the gubernatorial election.	Last Tuesday in August immediately preceding a general election.	EL § 13-308(e)(4)
Wednesday, August 31, 2022	**	COB	Judicial Review of Candidacy Petition Certification	Deadline for candidate to seek judicial review of candidacy petition certification.	10th day following determination on the certification of the petition or 69th day before a general election (August 31, 2022), whichever is earlier.	EL § 6-210(e)(2)
Wednesday, August 31, 2022	**	COB	Judicial Review of Charter Amendment Petition Certification	Deadline for petition sponsor to seek judicial review of charter amendment petition certification.	10th day following determination on the certification of the petition or 69th day before a general election (August 31, 2022), whichever is earlier.	EL § 6-210(e)(2)
Monday, September 5, 2022			Labor Day	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art. § 9-201
Tuesday, September 6, 2022	**	COB	Judicial Review of New Party Petition Certification	Deadline for petition sponsor to seek judicial review of new party petition certification.	10th day after determination on the certification of the petition.	EL § 6-210(e)(1)

Tuesday, September 6, 2022	Certification of Ballot	Deadline for SBE to prepare and certify content and arrangement of ballots for the general election.	At least 64 days before an election.	EL § 9-207(a)(2)
Tuesday, September 6, 2022	Display of Ballot	Deadline for SBE to display on its website the content and arrangement of each certified ballot.	At least 64 days before an election.	EL § 9-207(c)
Wednesday, September 7, 2022	Judicial Review of any Ballot Printing Errors	Deadline for a registered voter to seek judicial review if an error is discovered after the ballots have been publicly displayed and the local board fails to correct the error.	Not later than the 62nd day preceding an election.	EL § 9-209(c)
Thursday, September 8, 2022	Judicial Review of Content and Arrangement of Ballot	Deadline for a registered voter to seek judicial review of the content and arrangement or to correct any other error on the ballot.	Within 2 days of certifying the ballot.	EL § 9-209(a)
Friday, September 9, 2022	Printing of Ballots	SBE may begin printing ballots and correct noted errors.	After 3 days of public display of ballot.	EL § 9-207(e)
Friday, September 9, 2022	Number of Ballots for Manual Audit	Deadline to determine the number of early voting, mail-in, and provisional ballots each local board must count for the manual audit.	No later than 60 days before election day.	COMAR 33.08.05.09C(1)
Saturday, September 17, 2022	Constitution Day and Citizenship Day	Commemorate the signing of the U.S. Constitution and require public schools to celebrate the day and instill in students knowledge of history, importance, and meaning of the U.S. Constitution and Maryland Constitution.	Anniversary of signing of the U.S. Constitution on September 17, 1787.	Education Art. § 7-116
Saturday, September 24, 2022	Transmitting Mail-In Ballots	Deadline for election officials to transmit ballots to certain voters unless the Federal Voting Assistance Program grants the State a waiver of the deadline.	No later than 45 days before an election unless the Federal Voting Assistance Program grants the State a waiver of the 45 day transmittal deadline.	52 USC § 20302(a)(8)(A)
Tuesday, September 27, 2022	Public Education for Early Voting	SBE and the local boards start public education about early voting.	30 days before early voting for an election.	EL § 10-301.1(f)
Monday, October 10, 2022	Columbus Day	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Wednesday, October 12, 2022	Early Voting & Election Day Supply Verification	Deadline for the local boards to verify voting supplies according to the supply verification plan.	No later than 15 days before early voting starts.	SBE policy
Friday, October 14, 2022	Campaign Finance Report	Deadline for ballot issue committees to file pre-general report.	4th Friday before a general election.	EL § 13-309(a)(5)
Tuesday, October 18, 2022	Close of Registration	Deadline to register to vote or update registration information for the general election.	21st day preceding an election.	EL § 3-302(a)
Tuesday, October 18, 2022	Polling Place Reassignment	Deadline for elderly voters or voters with disabilities to submit a request to the local boards for reassignment to an accessible polling place.	No later than the close of registration before an election.	EL § 10-102(b)(1)
Tuesday, October 18, 2022	Voter Registration Lists	Deadline for a registered voter to request a voter registration list (New requests will not be taken until registration reopens).	On or before the registration deadline.	COMAR 33.03.02.05(B)
Wednesday, October 19, 2022	Notice of Election	Deadline for the local boards to provide notice of the election.	At least one week before any early voting period before an election.	EL § 8-102
Thursday, October 20, 2022	Write-in Candidate	Deadline for write-in candidates to file a Certificate of Candidacy. Only filed write-in candidates will have their votes reported on the official canvass.	Earlier of 7th day preceding the start of early voting (October 20, 2022) or within 7 days after expenditure of \$51 to promote candidacy.	EL § 5-303(c)
Monday, October 24, 2022	Select Early Voting Centers for Manual Audit	Deadline for the State Board to randomly select the early voting centers for the manual audit.	Within 3 days of the start of early voting.	COMAR 33.06.05.09C(2)(a)
Tuesday, October 25, 2022	Logic and Accuracy Testing - Early Voting (Public Demonstration & Notice)	Deadline for the local boards to complete logic and accuracy testing of the voting units being used for early voting. (Note: A public demonstration of the test must be conducted before any voting units are delivered to an early voting center.)	At least 14 days before an election.	COMAR 33.10.02.14.16
Wednesday, October 26, 2022	Campaign Signs	Beginning of period when campaign signs must be allowed at early voting centers.	The day before early voting starts.	EL § 10-101(e)(3)(iii)(2)
Thursday, October 27, 2022	Early Voting Begins	Early voting for the general election begins.	2nd Thursday before an election through the Thursday before an election.	EL § 10-301.1
Friday, October 28, 2022	Voter Registration Lists	Deadline for SBE and the local boards to prepare a voter registration list that includes registrants through the registration deadline.	Within 10 days of the voter registration deadline.	COMAR 33.03.02.05C(2)

Friday, October 28, 2022	11:59 pm	Campaign Finance Report	Deadline to file the pre-general election campaign finance report for political committees participating in the gubernatorial election.	2nd Friday immediately preceding an election.	EL § 13-309(a)(6)
Monday, October 31, 2022	COB	Logic and Accuracy Testing - Election Day	Deadline for the local boards to complete logic and accuracy testing of the election management system and voting units being used for election day voting and absentee and provisional voting. (Note: A public demonstration of the test must be conducted before any voting units are delivered to an early voting center.)	At least 10 days before an election.	COMAR 33.10.02.14, 16
Monday, October 31, 2022		Notice of Canvass	Deadline for the local boards to provide notice of the absentee and provisional canvasses.	At least 10 days before the first absentee canvass.	COMAR 33.06.01.05-1(B)
Tuesday, November 1, 2022	8 pm (mail) or 11:59 pm (fax/email)	Ballot Request Deadline: Ballot Delivered by Mail or Fax	Deadline for a registered voter to request a mailed or faxed mail-in ballot.	Tuesday before an election.	EL § 9-305(b)(1); COMAR 33.11.02.02E
Thursday, November 3, 2022	7 am to 8 pm	Early Voting Ends	Early voting for the general election ends.	2nd Thursday before an election through the Thursday before an election.	EL § 10-301.1
Friday, November 4, 2022	8 am	Campaign Signs	End of period when campaign signs must be allowed at early voting centers.	The day after early voting ends.	EL § 10-101(a)(3)(iii)(2)
Friday, November 4, 2022	5 pm (mail) or 11:59 pm (email/fax)	Ballot Request Deadline: Ballot Delivered via Internet	Deadline for a registered voter to request an electronic mail-in ballot.	Friday before an election.	EL § 9-305(b)(2)
Monday, November 7, 2022	5 pm	Campaign Signs	Beginning of period when campaign signs must be allowed at polling places.	The day immediately preceding election day.	EL § 10-101(a)(3)(iii)(2)
Tuesday, November 8, 2022	7 am to 8 pm	General Election	Gubernatorial General Election Day.	Tuesday after the first Monday in November.	MD Const. Art. XV, § 7; EL § 10-301
Tuesday, November 8, 2022	8 pm	Ballot Request Deadline: Voter Picks Up Ballot	Deadline for a registered voter or voter's agent to request a mail-in ballot in person at a local board.	No later than the close of the polls on election day.	EL § 9-305(b)(3); COMAR 33.11.02.04A
Tuesday, November 8, 2022	8 pm	Extended Voter Registration Deadline	Extended deadline for receipt of voter registration applications sent by mail for voting in general election.	An application received by mail after the close of registration is timely if it is properly postmarked.	EL § 9-302(c); COMAR 33.05.04.01C, D
Tuesday, November 8, 2022	8 pm	Mail-In Ballot Deadline	Deadline for the local boards to receive a-mail-in ballot.	A mail-in ballot is timely received if it is received by the local board before 8 pm on election day.	COMAR 33.11.03.08B(1)
Tuesday, November 8, 2022	8 pm	Precincts for Post-Election Verification & Audits	Deadline for local boards to select randomly the precincts for post-election verification and audits.	8 pm on election day.	COMAR 33.08.05.04
Wednesday, November 9, 2022	8 am	Campaign Signs	End of period when campaign signs must be allowed at polling places.	The day immediately after election day.	EL § 10-101(a)(3)(iii)(2)
Thursday, November 10, 2022	10 am	Mail-In Ballot Canvass 1	Local boards of canvassers are required to begin the 1st canvass of mail-in ballots.	10 am on the Thursday after an election.	COMAR 33.11.04.03A(1)
Friday, November 11, 2022		Veteran's Day	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Monday, November 14, 2022	**	Precincts for Post-Election Verification & Audits	Deadline for the local boards to submit to the State Administrator a list of the precincts selected for the post-election verification and audits.	Within 3 days of selecting the precincts.	COMAR 33.08.05.04
Wednesday, November 16, 2022	10 am	Provisional Ballot Canvass	Local boards of canvassers are required to begin the canvass of provisional ballots.	10 am on the 2nd Wednesday after an election.	COMAR 33.16.05.02
Friday, November 18, 2022	10 am	Extended Absentee Ballot Deadline	Deadline for the local boards to receive absentee ballots by mail.	10 am on the 2nd Friday after an election provided there is a proper postmark or date on voter's oath.	COMAR 33.11.03.08B(4)(a)
Friday, November 18, 2022	10 am	Extended Mail-In Ballot Deadline	Deadline for the local boards to receive mail-in ballots by mail.	10 am on the 2nd Friday after an election.	COMAR 33.11.04.03A(2)
Friday, November 18, 2022		Mail-In Ballot Canvass 2	Local boards of canvassers are required to begin the 2nd canvass of mail-in ballots.	Before certifying the results of an election.	COMAR 33.08.05.02A
Friday, November 18, 2022		Verification of Vote Count	Deadline for the local boards of canvassers to verify the general election vote count.	Within 10 days after an election and before certifying the results of an election.	EL § 11-308(a)
Friday, November 18, 2022		Post-Election Audit	Deadline for the local boards to complete various post-election audits on randomly selected precincts and any other identified precincts.	Before certifying the results of an election.	SBE policy
Friday, November 18, 2022		Certification of the Election	Deadline for the local boards of canvassers to certify the results of the general election.	After the verification of vote count is completed.	EL § 11-308(b)

Friday, November 18, 2022		Transmittal of Results	Local boards of canvassers must transmit certified copies of election results to the Governor, SBE, and appropriate Clerk of the Circuit Court.	2nd Friday after an election or if canvass is completed after that day, within 48 hours after completion.	EL § 11-401(c)
Monday, November 21, 2022	COB	Petition for Recount - Local Questions	Deadline to file a petition for a recount of the votes cast for a local question on the ballot.	Within 3 days after the results of an election have been certified.	EL § 12-103(d)
Monday, November 21, 2022	COB	Petition for Recount - Local Offices	Deadline to file a petition for a recount of the votes cast for a local office on the ballot.	Within 3 days after the results of an election have been certified.	EL § 12-101(d)
Monday, November 21, 2022		Voter Registration Reopens	Voter registration reopens.	11th day after an election.	EL § 9-302(a)
Tuesday, November 22, 2022	11:59 pm	Campaign Finance Report	Deadline to file the post-general election campaign finance report.	On or before the 2nd Tuesday after a general election.	EL § 13-309(a)(7)
Wednesday, November 23, 2022		Select Election Day Precincts for Manual Audit	Deadline for the State Board to randomly select the election day precincts for the manual audit.	Within 15 days of election day.	COMAR 33.08.05.09C(2)(b)
Thursday, November 24, 2022		Thanksgiving	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Friday, November 25, 2022		American Indian Heritage Day	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Wednesday, November 30, 2022	11:59 pm	Title 14 Contribution Report	Deadline for disclosure of contributions by persons doing business with Maryland government and/or employing a lobbyist.	Report due every May 31 and November 30.	EL § 14-104(b)(2)(ii)(2)
Tuesday, December 13, 2022	COB	Statewide Certification of Results	Deadline for the State Board of Canvassers to convene to certify election results.	Within 35 days after a general election.	EL § 11-503(a)(1)(ii)
Wednesday, December 14, 2022		Delivery of Election Results	SBE shall deliver to the winners of the general election a certified statement under its seal.	Prompt delivery.	EL § 11-603(b)
Wednesday, December 14, 2022		Certification of the Campaign Finance Reports	SBE shall certify to the official receiving the Commissions of Election that all campaign finance reports due have been filed.	Prior to the delivery of the Commissions of Election.	EL § 13-333(b)
Friday, December 16, 2022	COB	Petition for Recount - State Questions	Deadline to file a petition for a recount of the votes cast for a State question on the ballot.	Within 3 days after the results of an election have been certified.	EL § 12-103(d)
Friday, December 16, 2022	COB	Petition for Recount - State Offices	Deadline to file a petition for a recount of the votes cast for a State office on the ballot.	Within 3 days after the results of an election have been certified.	EL § 12-101(d)
Monday, December 26, 2022		Christmas	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Monday, January 2, 2023		New Year's Day	State holiday. SBE and most local boards will be closed.		State Personnel & Pensions Art., § 9-201
Wednesday, March 8, 2023		Completion of Manual Audit	Deadline for the local boards to complete manual audit of sample of paper ballots cast in the general election.	Within 120 days after the general election.	EL § 11-309(d)(2)
Wednesday, March 22, 2023	**	Posting of Manual Audit Report	Deadline for SBE to post report of manual audit.	Within 14 days after completion of manual audit.	EL § 11-309(d)(4)