

Defendants:

2. Linda H. Lamone is the Maryland State Administrator of Elections.
3. David J. McManus, Jr., is the chairman of the Maryland State Board of Elections.
4. The mission of the Maryland State Board of Elections is to ensure that federal and state elections are administered in compliance with Maryland and federal election laws by all persons involved in the election process.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(a), and 2284(a) and 42 U.S.C. § 1983. It has the authority to issue declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202 and its general equitable powers.

6. Venue is proper in this district under 28 U.S.C. § 1391(b) because the defendants are domiciled in this district and because a substantial part of the events or omissions giving rise to the claims asserted occurred in this district.

7. A three-judge panel of this Court has already been convened in this matter pursuant to 28 U.S.C. § 2284.

ALLEGATIONS OF FACT

8. Plaintiff-Intervenor Shapiro incorporates by reference, repeats, and re-alleges each and every allegation set forth in paragraphs 26 through 128 of the plaintiffs' second amended complaint, ECF 44, as if set forth fully herein.

9. The Governor's Redistricting Advisory Committee (GRAC) did not release its suggested map until October 4, 2011.

10. Governor O'Malley proposed his suggested map to the General Assembly, virtually identical to that suggested by the GRAC, on October 15, 2011. Senate Bill 1, 2011 Special Session.

11. The General Assembly met in special session from October 17, 2011 to October 19, 2011, during which it enacted Governor O'Malley's map; the Governor signed Senate Bill 1 into law on October 20, 2011, less than six months before the April 3, 2012 primary election. The law received a sufficient super-majority on the floor of each house of the General Assembly to enable it to enter into force upon the Governor's signature as an "Emergency Bill" rather than to await ratification by the voters at the next general election in the event of a petition to referendum. Sufficient voters did petition S.B. 1 to referendum at the 2012 general election.

12. During the special session of the General Assembly, the relevant committee of each house with jurisdiction over redistricting met to consider Senate Bill 1 (S.B. 1), the Governor's proposed map. Each of these committees met and favorably reported the bill without amendment. The Senate Redistricting Committee met and concluded its business within a matter of minutes.

13. The Eighth District consists of two distinct and geographically separate segments—a Northern Frederick/Carroll County segment, and a Montgomery County segment. The Frederick/Carroll segment is far more populous than the Montgomery County segment.

14. The two segments are socioeconomically, demographically, and politically inconsistent with the other segment. *See* 2d Am. Compl. Ex. A., ECF 44.

15. The Eighth district contains 470,000 voters in southern Montgomery County—which is multi-ethnic, suburban, largely but not entirely affluent, and overwhelmingly Democratic. This dominant segment is 53% white, 15% African-American, and 18% Hispanic. President Obama received 76% of this segment's vote in 2008. This segment is connected to 230,000 residents of rural northern Frederick Co. and rural and outer-suburban Carroll Co. This segment is 89% white, 4% African-American, and 4% Hispanic. President Obama won 39% of this segment's vote in 2008. *See* 2d Am. Compl. ¶¶91, 92, ECF 44.

16. Even within the Democratic Party, there are significant political differences of opinion between the northern and southern segments of the Eighth District. In the 2016 Democratic primary election, Representative-elect Jamie Raskin received 38% of the vote in the Montgomery Co. segment, while David Trone received 22%. In the Frederick/Carroll segment of the Eighth District, Rep.-elect Raskin received 12% of the vote, while Mr. Trone received 51%. Mr. Raskin won the overall vote in the District despite the huge margin for Mr. Trone within the northern segment. Since Maryland conducts closed primary elections, no Republican or Independent voters had any influence over the outcome of the Democratic primary.

17. Mr. Raskin won the 2016 General Election with 60% of the vote. He received 75% of the Montgomery vote and 30% of the vote in the Frederick/Carroll segment.

18. The legislature designed the specific precincts that would be included within the Eighth District such that the larger, overwhelmingly Democratic segment centered in Montgomery County would constitute a clear voting majority. Specific highly Republican precincts from Carroll County and from northern and western Frederick County were linked into this district such that they would be too few to potentially influence the outcome of the election, and would not be in adjacent districts where they might have greater influence.

CLAIMS FOR RELIEF

19. Intervenor Shapiro largely relies on similar legal theories of Article 1 and of the First Amendment for which this Court determined that the plaintiffs' complaint stated a claim. Op. Den. Defs.' Mot. to Dismiss 36, ECF 88. The claims in this complaint stem from both the ongoing harms due to the current structure and composition of the Eighth District, as well as from the harms inflicted through the changes the General Assembly made to the former Sixth District. These ongoing constitutional harms exist regardless of the fact that Eighth District was represented by a Democrat prior to 2011 and has remained so after the addition of the predominantly Republican Frederick/Carroll segment in 2011.

Count One. Violation of the First Amendment

20. Intervenor Shapiro repeats and re-alleges each and every allegation set forth in the preceding paragraphs as if set forth fully herein.

21. Republican voters' First Amendment rights of political association are harmed by virtue of the manner in which the General Assembly placed them into the Eighth District, and the intent for which the General Assembly did so—to marginalize their influence as Republicans so as to ensure that Maryland's delegation includes seven Democratic Representatives. This intent purposefully changed the Sixth District's Representative from a Republican to a Democrat, while ensuring all other Districts, except the First, elect Democrats.

22. The Maryland legislature expressly and deliberately incorporated the voting histories and political party affiliations of Republican voters when it redrew the lines of the Eighth Congressional District to add the Frederick/Carroll segment.

23. The highly Republican precincts of the Frederick/Carroll segment were added to the highly Democratic Eighth District as an isolated segment, in such a manner as to admit of no possible intent other than to injure the voters of the Frederick/Carroll segment for their past and anticipated future Republican votes.

24. The legislature thereby burdened voters, placing them where their electoral influence would be intentionally marginalized, for their First Amendment-protected conduct. This intent is further confirmed through legislature's cracking of the Sixth District, as shown by plaintiffs in the main action, and by the packing of

Republican precincts from northwestern Carroll County through the lower Eastern Shore in the First District. *See* Op. Den. Defs.' Mot. to Dismiss 36, ECF 88.

25. There can be no motive for such districts but to ensure a delegation of one Republican Representative and seven Democratic Representatives, achieved through the intentional and systematic cracking and packing of Republican voters to minimize their influence on the outcome of these elections. Thus the burden, and the legislature's purpose for imposing the burden, on the Republican voters of the Frederick/Carroll segment of the Eighth District is intertwined with that of the Republican voters of the former Sixth District. *Cf. Gomillion v. Lightfoot*, 364 U.S. 339, 341 (1960). *See also N.C. State Conference of NAACP v. McCrory*, 831 F.3d 204, 220 (4th Cir. 2016) (citing *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 265–66 (1977) as guidance that intent can be just “a motivating factor” that is determined through “circumstantial and direct evidence”).

26. Intent may also be inferred unusual or hasty procedures used by a legislature in enacting challenged voting legislation. *See N.C. State Conference of NAACP*, 831 F.3d at 227–28. The enactment process for S.B. 1 resembles that for the enactment of the voting legislation at issue in *N.C. NAACP*.

27. The Frederick/Carroll segment of the Eighth District has 32% of the District's population. Due to the stark differences in size and partisan preference between the two segments of the Eighth District, the voters of the Frederick/Carroll

segment are, by design, sufficiently diluted by the voters of the Montgomery County segment so as to have negligible influence on the election of their Representative.

28. The Frederick/Carroll segment of the Eighth District was cracked from the former Sixth District. The population of this segment, combined with that of the contiguous and consistent three Western Maryland counties that remain in the Sixth District, is 480,000—a controlling majority of 66% of the population of a district. The impact of cracking here changed, by design, the party of the Representative of the Sixth District.

29. The First Amendment rights of Republican voters in the Frederick/Carroll segment were burdened to the extent necessary to ensure that their votes would be overwhelmed within the Eighth District, and to achieve the election of seven Democratic Representatives overall. In this way, their First Amendment injury is closely related to and an integral component of that suffered by the Republican residents of the former Sixth District. See Op. 33, ECF 88. *See also* 2d Am. Compl. ¶¶32–34, ECF 44. *Accord. Anne Arundel*, 781 F. Supp. at 403 (Niemeyer, J., dissenting) (“Article I [forbids] classifications that are based on how the voters voted and can be expected to vote, for the purpose of steering the outcome of an election.”).

30. The State cannot justify such cracking of Republican voters, accomplished through their placement into the Eighth District, by reference to geography or compliance with constitutionally legitimate redistricting criteria.

Count Two. Violation of Article 1, Sections 2 and 4

31. Intervenor Shapiro repeats and re-alleges each and every allegation set forth in the preceding paragraphs as if set forth fully herein.

32. Each of the following sub-counts constitutes a violation of representational rights under Article 1 of the United States Constitution.

A. Vote Dilution

33. The weight of each voter's vote in determining the choice of Representatives should be nearly equal. *Wesberry v. Sanders*, 376 U.S. 1, 4 (1964). Dilution that purposefully and effectively weights votes for Representatives differently violates Article 1 § 2. *Id.* at 14. *See also* Op. 27, ECF 88 (finding that Plaintiffs in the main action stated a claim under Article 1 alleging their votes were purposefully diluted, effectively weighting theirs less than Democratic voters').

34. While Article 1 § 4 authorizes the General Assembly to establish the "times, places, and manner" of holding elections for Representatives, such authority is not a license to favor or disfavor candidates of specific parties through such regulations. *See Cook v. Gralike*, 531 U.S. 510, 523 (2001) (quoting *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 833–34 (1995)) ("[T]he Framers understood the Elections Clause as a grant of authority to issue procedural regulations, and not as a source of power to dictate electoral outcomes, to favor or disfavor a class of candidates, or to evade important constitutional restraints.").

35. Impermissible vote dilution, or cracking, is shown when (1) a compact group of precincts with a voting history favoring one party is split and placed into

one or more districts that each favor another party; where (2) the intent of such placement was to minimize the weight of the voters favoring the first party; and (3) the purpose and effect of such intentionally unequal weighting was to favor the candidates of the other party and disfavor the candidates of the first. *Cf. Gralike*, 531 U.S. at 523 (citing *Thornton*, 514 U.S. at 833–34).

36. The General Assembly redrew the lines of the Fourth, Seventh, and Eighth Districts each in a similar manner to minimize the weight of Republican voters added therein. This intent is further confirmed through the cracking of the Sixth District, as shown by plaintiffs in the main action, and by the packing of Republican precincts from northwestern Carroll County through the lower Eastern Shore in the 1st District. Thus an overall picture of intent is established. There can be no motive for such districts but to ensure a delegation of one Republican Representative and seven Democratic Representatives, achieved through the intentional and systematic cracking and packing of Republican voters to minimize the weight of their votes on the outcome of Maryland's Congressional elections.¹

37. Such vote dilution is an impermissible means to accomplish an impermissible end. The General Assembly exceeded its Article 1, § 4 authority by intentionally minimizing the weight of Republican voters to dictate the outcome.

¹ 2 U.S.C. § 2c was enacted in 1967, two years after the enactment of the Voting Rights Act of 1965. Section 2c was intended to prevent the States from diluting minority votes through the at-large election of Representatives. It follows that it is inconsistent with this intent to dilute the votes of minority voters by cracking and packing them such that their percentage of the population within each district mimics the at-large percentage, as we largely have in the Seventh and Eighth Districts.

38. “[L]egislatures may [not] draw the lines of congressional districts in such a way as to give some voters a greater voice in choosing a Congressman than others.” *Wesberry*, 376 U.S. at 14. *See also* Op. Den. Defs.’ Mot. to Dismiss 27, ECF 88.

39. The result here is a violation of the Article 1, § 2 representational rights of the voters in each of the smaller segments of each of these Districts, including the Eighth District.

40. Defendants cannot justify this impact on representational rights by reference to geography or other constitutionally legitimate redistricting criteria.

B. Abridgment of Voters’ Right to Choose their Representatives

41. The General Assembly used constitutionally impermissible means to accomplish constitutionally impermissible ends. While Article 1, § 4 of the U.S. Constitution authorizes the General Assembly to establish the “times, places, and manner” of holding elections for Representatives, such authority is not a license to determine the outcome of Congressional elections through such regulations. *See Gralike*, 531 U.S. at 523 (quoting *Thornton*, 514 U.S. at 833–34).

42. “[A] state’s role in constituting a House of Representatives is limited by federal law to establishing the “time, place and manner” of elections . . . To accomplish that purpose no classification of the people can be made to advance the state legislature’s preference for one class to the detriment of another, and clearly the state may not attempt to dictate the outcome of congressional elections.” *Anne Arundel Republican Central Committee v. State Administrative Board of Election*

Laws, 781 F. Supp. 394, 402–03 (1991) (Niemeyer, J., dissenting). *Accord. Gralike*, 531 U.S. at 523; *Thornton*, 514 U.S. at 833–34.

43. A further reason that Article 1 § 4 cannot be read to permit the legislature to effectively choose Representatives is that Article 1 § 2 gives that choice to the voters. “Representatives shall be . . . chosen . . . by the People of the several States.” Article 1, § 2. The General Assembly may not effectively select the party of Maryland’s Representatives through its Article 1 § 4 regulations, thereby effectively depriving intervenor and other voters of their right to choose these Representatives under Article 1 § 2.²

44. “[A]mong the rights and privileges of national citizenship recognized by this court [as protected from state action by the Privileges and Immunities Clause of the Fourteenth Amendment is] the right to . . . vote for national officers [such as Representatives under Article 1 § 2].” *Twining v. New Jersey*, 211 U.S. 78, 97 (1908), *overruled on other grounds* (citing *Ex parte Yarbrough*, 110 U.S. 651, 663 (1884); *Wiley v. Sinkler*, 179 U.S. 58, 62–63 (1900)).

² A Congressional requirement for districts, “in the language of Chancellor Kent, ‘was recommended by the wisdom and justice of giving, as far as possible, to the local subdivisions of the people of each state, a due influence in the choice of representatives, so as not to leave the aggregate minority of the people in a state, though approaching perhaps to a majority, to be wholly overpowered by the combined action of the numerical majority, without any voice whatever in the national councils.’” *Colegrove v. Green*, 328 U.S. 549, 553 (1946) (citing 1 Kent, Commentaries (12th ed., 1873)), *abrogation on other grounds recognized by* *Wesberry v. Sanders*, 376 U.S. 1, 6–7 (1964).

45. Impermissible abridgment of the voters' right to choose their Representatives under Article 1, § 2 is established when, based on the totality of the circumstances, it is shown that the General Assembly has purposefully and effectively dictated the outcome of the election through its design of the districts. *Cf. Gralike*, 531 U.S. at 523 (citing *Thornton*, 514 U.S. at 833–34).

46. Such a determination is distinguished from a totality of the circumstances approach in the equal protection context since the question to be determined here, under Article 1, § 2, is (1) more discernibly tied to a specific relevant constitutional requirement; and (2) can be more objectively determined by this Court than a fairness determination under equal protection analysis.³

47. A totality of the circumstance approach here would be similar those developed by the judiciary to determine violations of a range of other not so easily quantifiable but discernible constitutional mandates—such as whether a state has racially gerrymandered districts or limited ballot access in violation of equal protection; whether a state has afforded due process or the right to counsel; whether state regulation has effectively taken private property; whether a state has restricted free speech; or if a state has performed an unreasonable search or seizure.

³ *Vieth v. Jubelirer*, 541 U.S. 267, 285–86 (2004), disapproved a totality of the circumstances approach to assess the fairness of districts under equal protection analysis, noting the lack of discernibility for such an approach there.

48. The question here also differs from equal protection analysis with respect to immutability.⁴ Under Article 1, § 2, voters retain the right to change their party preference—i.e., their right to not be immutable—from election to election, and even among candidates for different offices at the same election. Here, the General Assembly has worked to make the Eighth District's preference—and the First, Fourth, Sixth, and Seventh District's preferences—immutably aligned with the General Assembly's preference, nullifying the very lack of voters' immutability that is an inherent critical feature of intervenor's and other voters' right to flexibly choose their Representatives. *Cf.* U.S. Const. art. I, § 2.

49. The General Assembly redrew the lines of the Eighth District to minimize the weight of Republican voters added therein, while ensuring that the ratio of Democratic and Republican voters in each district would ensure the election of a Democratic Representative from each district. This intent is further confirmed through the legislature's similar design of the Fourth, Sixth, and Seventh Districts, by the cracking of the Sixth District, as shown by plaintiffs, and by the packing of Republican precincts from northwestern Carroll County through the lower Eastern Shore into the First District.

50. There can be no motive for such districts, achieved through the intentional and systematic cracking and packing of Republican voters, but to minimize the weight of their votes on the outcome of Maryland's Congressional

⁴ *Vieth*, 541 U.S. at 287 cited the lack of immutability of a voter's partisan preference as a factor making political gerrymandering unsuited for equal protection analysis.

elections, thereby ensuring that Maryland's Congressional delegation shall consist of one Republican Representative and seven Democratic Representatives.

51. Factors that tend to show that the General Assembly has purposefully and effectively dictated the outcome of Maryland's Congressional elections include the process by which S.B. 1 was enacted; the degree of cracking and packing; the number of districts with small Republican and large Democratic segments; the lack of effective contiguity of the two segments comprising each such district; divergence of political preference between the large and small segments, reflecting the lack of common interests among the segments; the presence of other districts more demographically and politically consistent with the smaller segments between the small and large segments; the lack of compactness of the districts; the extent to which the number of Representatives of each party diverges from the state-wide vote for each party; and the extent to which Maryland's districts were designed to each mimic the state-wide vote for Democratic and Republican candidates.

52. In this way, the General Assembly has purposefully and effectively dictated the outcome of Maryland's Congressional elections.

53. The Eighth District has continued to elect a Democratic Representative in each election since 2011, as have the Fourth, Sixth, and Seventh Districts. The First continues to elect a Republican Representative.

54. Such action by the General Assembly—to design Maryland's Congressional Districts in order to implement its choice of the election outcome, that the State have a Congressional delegation of one Republican Representative

and seven Democratic Representatives—exceeds its authority under Article 1, § 4 and undermines the rights of intervenor and other voters under Article 1, § 2.

55. The General Assembly did here what the Supreme Court in *Gralike* and *Thorton* held that it may not do. Article 1, § 4 cannot be read to give state legislatures such authority, which is closer to that which the Constitution gave state legislatures to elect Senators prior to the Seventeenth Amendment.

56. Defendants cannot justify this impact on representational rights by reference to geography or other constitutionally legitimate redistricting criteria.

C. Abridgment of Intervenor’s Right to Effective Representation

57. There is a long-established history as to the expected duties and functions of a Representative in Congress on behalf of his or her constituents. See Joseph Story, *Commentaries on the Constitution of the United States*, Book III, Ch. IX, § 573 (1833) (“No reasoning, therefore, was necessary to satisfy the American people of the advantages of a [H]ouse of [R]epresentatives, which should emanate directly from themselves; which should guard their interests, support their rights, express their opinions, make known their wants, redress their grievances, and introduce a popular pervading influence throughout all the operations of the government.”). See also R. Eric Petersen, Cong. Research Serv., RL33686, *Roles and Duties of a Member of Congress: Brief Overview* (Nov. 9, 2012).

58. The structure and composition of a Congressional district, through the incorporation of one or more traditional districting principles such as contiguity, compactness, and maintenance of communities of interest, bears on the

effectiveness of a Representative in performing these expected duties. *See Royce Crocker, Cong. Research Serv., R42831, Congressional Redistricting: An Overview 9-14 (Nov. 21, 2012).*

59. While Intervenor Shapiro does not contend that the General Assembly has a constitutional duty to incorporate any one traditional districting principal to any specific quantifiable extent, Article 1, § 2 does not permit the General Assembly to design districts in total disregard of factors affording effective representation absent a compelling justification. Article 1, §§ 2 & 4 imply a greater duty.

60. The residents of the larger and smaller segments of the challenged districts have different views of their interests, rights, opinions, wants, and grievances, and, based on their party preferences, would prefer to introduce very different pervading influences throughout the operations of the government.

61. The Representatives elected from these districts must travel to the different and distant parts of their districts to meet with their constituents. These Representatives are limited as to the number of House Committees on which they may serve, despite that one segment may be better served through work and votes on one committee than another. They have only one vote to cast on the House floor.

62. Voters have a representational right under Article 1, § 2 to effective representation. This right is violated when the State designs districts where, as

here, the performance of these representational duties to residents of both segments of the challenged Districts is inherently challenged due to their design.⁵

63. Impermissible abridgment of voters' right to effective representation can be established when, based on the totality of the circumstances, (1) a district's design inherently impacts the effective performance of representational duties; and (2) there is no legitimate justification for the features impacting representation.

64. Alternatively, the Court's inquiry as to effective representation could be more circumspect and need not explicitly determine whether the representation afforded by the Eighth District is effective. Rather, the Court's inquiry could proceed along the lines of a rational basis review as to whether the General Assembly incorporated such factors that the *General Assembly legitimately and reasonably determined* would enable the Representative of the Eighth District to effectively perform the duties of a Representative, such as laid out by Justice Story, for the residents of both segments of the district. In this way, the Court could determine whether the General Assembly minimally complied with the mandate of Article 1, §§ 2 & 4, to facilitate its citizens' effective representation in Congress, without substituting its judgment for that of the legislature.

⁵ Cf. Note, Megan Creek Frient, *Similar Harm Means Similar Claims: Doing Away with Davis v. Bandemer's Discriminatory Effect Requirement in Political Gerrymandering Cases*, 48 Case Western Reserve L. Rev. 617, 619 (1998) (citing *Shaw v. Reno*, 509 U.S. 630, 648 (1993) ("When a district obviously is created solely to effectuate the perceived common interests of one racial group, elected officials are more likely to believe that their primary obligation is to represent only the members of that group, rather than their constituency as a whole. This is altogether antithetical to our system of representative democracy.")).

65. The General Assembly enacted the Eighth District to consist of a small predominantly Republican segment in Frederick and Carroll Counties, and a separate large predominantly Democratic segment in Montgomery County.

66. The resulting district is only technically contiguous, it is not at all compact, and the Frederick/Carroll segment constitutes very different communities of interest from those of the larger segments. Nothing about these two segments suggests that their linkage results in a district affording effective representation, or, that the General Assembly incorporated factors it legitimately and reasonably expected to facilitate effective representation.

67. The design and political and socioeconomic composition of the Eighth District affords no conclusion but that the General Assembly incorporated no legitimate criteria reasonably intended to facilitate the effective representation of citizens of both segments of the district. The General Assembly has thereby failed to minimally provide for the effective representation of the residents of either segment of this district consistent with Article 1, §§ 2 & 4. The same can be said of the Fourth, Sixth, and Seventh Districts. This was no accident to the Eighth.

68. The General Assembly fully subordinated the effective representation of the residents of the Eighth District to the General Assembly's impermissible means of vote dilution in order to achieve the impermissible ends of dictating the partisan composition of Maryland's Congressional delegation.

69. Defendants cannot justify this impact on representational rights by reference to geography or other constitutionally legitimate redistricting criteria.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs respectfully request that the Court:

A. Declare the 2011 District Plan unconstitutional, and its maintenance or use for any further election a violation of intervenor's and other voters' constitutional rights;

B. Enjoin defendants and their employees and agents from administering, preparing for, or in any way permitting the nomination or election of any Representative from the current Eighth District;

C. Require that no later than December 26, 2017, which is six months prior to the June 26, 2018 primary election, the State of Maryland must enact revised Congressional Districts, rectifying the constitutional infirmities of the 2011 District Plan. Intervenor Shapiro offers Exhibits 15 & 16 (maps D & E) to plaintiffs' original complaint, Compl. Exs. 15 & 16, ECF 1-17 & 1-18, as examples of district plans that Maryland could enact to rectify the constitutional infirmities of the 2011 District Plan. Specifically, constitutionally acceptable Districts should, by example:

(1) Relieve the vote dilution currently achieved through the current Frederick/Carroll segment of the Eighth District by

(a) Consolidating it with Washington, Allegany, and Garrett Counties, or with such other adjacent counties in a manner that is reasonably compact and effectively contiguous—such that the precincts of the Frederick/Carroll segment no longer comprise a discrete and isolated segment; or

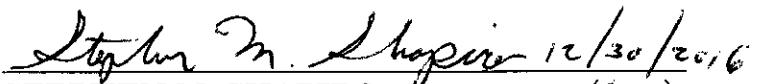
(b) Otherwise placing the Frederick/Carroll segment or portions of the segment not so consolidated as under subparagraph (a) into a District or Districts of which the majority shares legitimate interests relevant to their choice of Representative, such as partisan preference.

D. In the event that a state law establishing a constitutional district plan for Maryland's congressional districts has not been enacted by the General Assembly, signed by the Governor, and entered into force by December 26, 2017, establish a redistricting plan that is valid under the United States Constitution;

E. Award intervenor his reasonable attorneys' fees, costs, and litigation expenses incurred in bringing this action; and

F. Grant such further relief as the Court deems just and proper.

Respectfully submitted,


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