

# **EXHIBIT 26**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

O. JOHN BENISEK, *et al.*,

*Plaintiffs,*

v.

LINDA H. LAMONE., *et al.*,

*Defendants.*

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Case No. 13-cv-3233

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**DECLARATION OF ANDREW DUCK**

I, Andrew Duck, under penalty of perjury, declare and state:

1. I am over the age of 18 and am competent to testify to the matters stated below.
2. I reside at 216 N. Delaware Avenue, Brunswick, Maryland 21716, which is located in the southwest corner of Frederick County within Maryland’s sixth congressional district (“sixth district”).
3. My family moved to Frederick County in 1976, around which time I was entering high school.
4. Prior to that time, my family owned property in Frederick County, which my family and I visited frequently.
5. I first registered to vote in 1980, at which time I continued to reside in the sixth district. In the 1980 primary and general elections, I voted for Beverly Byron, a Democrat, to represent the sixth district in the United States House of Representatives.
6. Shortly thereafter, I entered the Army at age 19, and I did not return to Frederick County on a permanent basis until I left the Army at age 41. For the first four years of my Army service, I voted by absentee ballot in the sixth district, and I consistently voted to reelect Beverly Byron.
7. When I returned to Frederick County in or around 2004, the sixth district was drastically different and had drastically different representation in the House of Representatives than it had when I previously resided there.

8. I came to learn that after the 1990 census, Maryland had enacted a redistricting plan that changed the composition and structure of the sixth district, such that the district no longer included a significant portion of western Montgomery County. I further learned that after the 2000 census, the sixth district was redrawn to span from Western Maryland across the northern border of Maryland into Baltimore and Harford Counties. As a result of these changes to the composition of the sixth district, the sixth district had become heavily slanted to Republican voters.

9. From 1992 through 2012, the sixth district was consistently represented in Congress by a Republican, Roscoe Bartlett.

10. I was unsatisfied with Congressman Bartlett's representation in Congress. I disagreed with his support for tax cuts which most benefited the richest among us combined with a desire for extreme cuts in government spending that benefited working and middle class citizens. His blind support for Bush Administration policies in Iraq was damaging the Army to which I had dedicated much of my life. As a Soldier who had served in Bosnia, Congressman Bartlett's opposition to participation in United Nations peacekeeping activities was also contrary to my beliefs. In particular, he represented a vast departure from the moderate members of Congress who had represented the sixth district prior to the 1990s.

11. For example, Beverly Byron, who represented the sixth district for many years, and her husband Goodloe Byron who represented the district before her, were considered moderate Democrats who effectively represented the sixth district in Congress. Congresswoman Beverly Byron had supported the military while also supporting the common sense programs that support working and middle class citizens.

12. The sixth district had a long history of such representation. Notably, Congressman David John Lewis, a Democrat, represented the sixth district from 1911 through 1917, and again from 1931 through 1939 during which time he introduced the Social Security bill in the House of Representatives in 1935.

13. Because I was unsatisfied with my congressional representative and the make-up of the sixth district, I engaged in various political activities centered on returning the sixth district to its prior politically-moderate climate.

14. Beginning in or around 2004, I became actively involved in registering new Democrats to vote in the sixth district, and I actively recruited Democrats to become involved in local Democratic politics. Between 2006 and 2010, efforts to register voters increased the number of registered Democrats in the sixth district from 146,227 to 159,715, an increase of 9%.

15. I also engaged in other efforts to bring attention to Democratic voters in Western Maryland. For example, in 2005, I helped create the Western Maryland Democratic Summit, an annual event aimed at promoting Democrats in Western Maryland. This event has helped draw attention from legislative leaders in Annapolis to Democratic voters in Western Maryland. Democratic candidates for statewide office attend the Summit each year, including Democratic candidates for Governor, Comptroller, and Attorney General, and usually the Democratic candidates for United States Senator.

16. In addition, I ran to represent the sixth district in the House of Representatives in 2006, 2008, and 2010. I ran for Congress even though I knew the sixth district had an entrenched Republican congressman, because I believed it was important to show State leaders that Western Maryland had an active and strong Democratic electorate.

17. At the time I was running for Congress, the former sixth district spanned over 220 miles from east to west, making voter contact across that entire district quite difficult. Despite those difficulties, during my campaign in 2010, I traveled across the sixth district, from Garrett County to Harford County. My experiences campaigning for office in the sixth district exposed me to various differences among communities located in the former sixth district.

18. There are vast differences between the mountainous region of western Maryland and central Maryland. For example, the residents of Garrett County do not live in the Chesapeake Bay drainage area, while residents of Harford County live right next to the Chesapeake Bay. Communities in Harford, Baltimore, and the eastern part of Carroll County tend to center around the Baltimore region, while communities in Garrett, Allegany, and the western part of Carroll County do not. I also experienced that voters in Frederick and Washington Counties were more closely aligned with the Washington, D.C. suburbs, similar to Montgomery County.

19. These differences increased the difficulty of campaigning for office in the sixth district. The sixth district spanned three media markets, the Baltimore media market, the Washington, D.C. media market and the Pittsburg media market in the west, making advertising for a congressional campaign very expensive. Because many people in the eastern part of the sixth district worked and attended recreational events in Baltimore City, while many people in the western part of the sixth district never traveled to Baltimore, it was hard to find locations for campaign events that would attract significant numbers of voters from both parts of the sixth district. When advertising for events, advertisements placed in Baltimore would attract too many non-residents, while advertising in western Maryland would fail to capture significant numbers of voters who resided in Harford, Baltimore, and the eastern part of Carroll County.

20. On July 23, 2011, I attending a hearing conducted by the Governor's Redistricting Advisory Council ("GRAC") in Frederick County. During my testimony at that hearing, I relayed my experiences campaigning in the former sixth district and offered testimony about the differences in communities encompassed within the former sixth district. I testified that in order to make it more viable for candidates for office to reach all of the voters of the district and to better represent the population as a whole, the GRAC should reorient the district to include more of Montgomery County, less of Carroll County, and none of Harford and Baltimore Counties.

21. I consider my testimony at this hearing, along with similar testimony at other GRAC hearings, to have been an essential part of the political process related to redistricting.

22. I have supported John Delaney as he has run to represent the sixth district since 2012. I consider Congressman Delaney to be a Democrat in line with the historical representation of the sixth district prior to 1992. I have found Representative Delaney to be a significant improvement from the previous Congressman in representing the district's constituents. He regularly hosts constituent events in Frederick, Hagerstown, and Cumberland, Maryland.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

22 APRIL 2017

Date



Andrew Duck