

IN THE
SUPREME COURT OF MARYLAND

September Term, 2026

Nos. 21, 22

MARYLAND STATE BOARD OF ELECTIONS, et al.,

Appellants,

v.

MICHAEL L. HOWELL, et al.,

Appellees.

On Appeal from the Circuit Court for Anne Arundel County
(Robert J. Thompson, Judge)

On Appeal from the Circuit Court for Dorchester County
(James S. Sarbanes, Judge)

BRIEF OF APPELLANTS

Anthony G. Brown
Attorney General of Maryland

Julia Doyle
Solicitor General
Attorney No. 8112010024

Daniel M. Kobrin
Attorney No. 112140138
Thomas S. Chapman
Attorney No. 1701050004
200 Saint Paul Place, 20th Floor
Baltimore, Maryland 21202
dkobrin@oag.maryland.gov
tchapman@oag.maryland.gov
(410) 576-6472
(410) 576-6955 (facsimile)

Natalie R. Bilbrough
Attorney No. 1612130061
David W. Stamper
Attorney No. 0012130304
104 Legislative Services Building
90 State Circle
Annapolis, Maryland 21401
nbilbrough@oag.maryland.gov
dstamper@oag.maryland.gov
(410) 946-5600

August 28, 2026

Attorneys for Appellants

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BRIEF OF APPELLANTS

STATEMENT OF THE CASE

This appeal presents a challenge to the Maryland General Assembly’s authority to propose amendments to the Maryland Constitution. Article XIV vests the General Assembly with the power to propose amendments, prescribe how they are submitted to voters, and have them submitted to voters at “the next ensuing general election.” Md. Const. art. XIV, § 1 (“Article XIV”). Using that authority, the General Assembly enacted

Chapter 881, proposing an amendment, on August 5, 2026. 2026 Md. Laws ch. 881. In addition to proposing three related changes to Article III, Chapter 881 prescribed the specific language of the ballot question to be submitted to voters. *Id.*

Nine members of the General Assembly who affiliate with the Republican Party, and one registered voter in Maryland (the “*Howell* plaintiffs”), filed suit on August 6, 2026, in the Circuit Court for Anne Arundel County to enjoin the proposed amendment and its ballot question from being submitted to voters. (E. 26.) Thereafter, on August 10, 2026, four more members of the General Assembly who affiliate with the Republican Party and one Maryland registered voter (the “*Wheatley* plaintiffs”) filed suit in the Circuit Court for Dorchester County seeking the same relief. Both suits were filed under Election Law § 12-202, which authorizes a petition for judicial relief from an act or omission that both violates a law applicable to elections and may affect the outcome of an election. In combination, the plaintiffs in the two actions alleged that the General Assembly had enacted Chapter 881 in violation of provisions of the Election Law Article governing the formulation of ballot questions, thus depriving voters of due process. Each suit was briefed and heard on an expedited basis in its respective circuit court.

On August 26, 2026, the Circuit Court for Anne Arundel County issued a memorandum opinion and order granting summary judgment to the plaintiffs and enjoining the proposed amendment from being submitted to voters. (E. 414, 424.) The circuit court stayed the execution of its judgment pending an appeal to this Court. On that same day, the State noticed an appeal of the judgment directly to this Court as authorized under Election Law § 12-203(a)(3). (E. 24.)

On August 28, 2026, the Circuit Court for Dorchester County issued a memorandum opinion and order granting summary judgment to the plaintiffs and enjoining the proposed amendment from being submitted to voters. (E. 425.) The circuit court stayed the execution of its judgment pending an appeal to this Court. On that same day, the State noticed an appeal of the judgment directly to this Court as authorized under Election Law § 12-203(a)(3).

QUESTIONS PRESENTED

1. When the General Assembly exercises its Article XIV authority to “prescribe[]” the “form” of a ballot question by writing the question itself, are the statutes governing the Secretary of State’s delegated authority to write statewide ballot questions inapplicable to restrict the Article XIV process?

2. Where the ballot question, text of the amendment, and full legislative enactment have been available to voters in the three months leading up to the election, and where the ballot question accurately relates to voters every component of the proposed constitutional amendment, have voters received adequate constitutional notice of the proposed amendment and ballot question?

3. Where the proposed amendment modifies constitutional language relating to legislative districting, congressional districting, and this Court’s jurisdiction to hear congressional districting challenges, does the proposed amendment satisfy the single subject requirement?

STATEMENT OF FACTS

The Constitutional Authority to Propose Amendments

Article XIV of the Maryland Constitution grants to the General Assembly the authority to “propose Amendments” to the state constitution. An amendment must be proposed by a “separate bill” and passed by a three-fifths majority in each chamber. Article XIV. After its passage, the bill must be “publicized” by either newspaper publication or some other manner “provided by law.” *Id.* And after its proposal, the amendment “shall” be submitted to the qualified voters at the “next ensuing general election” in a “form . . . prescribed by the General Assembly.” *Id.*

“[T]he legislature is entrusted with wide discretion in proposing amendments to the Constitution.” *Stop Slots MD 2008 v. State Bd. of Elections*, 424 Md. 163, 182 (2012) (quotation omitted). Article XIV places no restrictions on when the General Assembly may propose an amendment. The provision’s only guidance on how an amendment is presented to voters is the requirement that a single bill, and thus a single amendment, “embrace[] only a single subject.” Article XIV. When two or more amendments are proposed before a general election, “they shall be submitted as that each amendment shall be voted on separately.” *Id.* Finally, a proposed amendment becomes part of the Maryland Constitution after the Governor proclaims that a majority of votes were cast for its adoption at the general election following the amendment’s proposal. *Id.*

The Statutory Framework for Ballot Questions

Title VII of the Election Law governs ballot questions. Md. Code Ann., Elec. Law § 7-101(1)(ii) (LexisNexis 2022). A constitutional amendment “qualifies” for the general

election ballot after the bill proposing the amendment passes both chambers of the General Assembly. *Id.* § 7-102(a)(3). The actual language that appears on the ballot, however, can be drafted in one of two ways. The General Assembly can “prescribe” the “form” of the amendment, Article XIV, by writing the ballot question itself, including it in the bill proposing the amendment, and “clearly specif[y]ing] that the statement is to be used on the ballot.” Elec. Law § 7-105(b)(3)(i). Alternatively, if the General Assembly does not prescribe specific ballot language in the bill, the Secretary of State of Maryland “shall prepare and certify” the language of the ballot question. *Id.* § 7-103(c)(1).

When the Secretary of State drafts and certifies a statewide ballot question, the question must be certified to the State Board of Elections by July 1 “immediately preceding the general election.” Elec. Law § 7-103(c)(1). The State Board must then post the certified question and open a public “comment period.” *Id.* § 7-103(c)(5)(i). After the close of the comment period, the Secretary may review submitted comments and make “any necessary changes” that follow. *Id.* § 7-103(c)(5)(ii)(1). The comment period may begin at any time, but it must run for 15 days and end at least four days before the deadline for public certification of the general election ballot—the 64th day before election day. *Id.* § 7-103(c)(5)(i) & (ii)(2) (citing Elec. Law § 9-207). The Secretary must therefore initially submit a ballot question for a proposed constitutional amendment by July 1 (this year, 125 days before Election Day); but might not have the language of the question finalized until August 31, which is 64 days before Election Day.

Providing public notice for a proposed amendment follows a tiered schedule. “[A]t least 90 days before the general election,” the State Board must post “in a manner widely

accessible to the public” the “complete text” of the proposed amendment. Elec. Law § 7-105(e)(1)(ii). By the 65th day before the election, the language of the ballot question related to the proposed amendment must be “posted” or “available for public inspection” at the office of the State Board and local boards of elections. *Id.* § 7-105(d)(1). On the 64th day before the election, the State Board must publicly display the “content and arrangement” of the general election ballot. Elec. Law § 9-207(a)(2). The public display is accomplished by publishing all ballot styles on the State Board’s website. *Id.* § 9-207(c). Finally, direct notice of all ballot questions must be provided to voters by either mailing a specimen ballot to voters “at least 1 week before any early voting period” or by “publication or dissemination by mass communication during the 3 weeks immediately preceding the general election.” *Id.* § 7-105(a).

The final notice sent to voters of a constitutional amendment, by specimen ballot or mass communication immediately before the election, must contain the ballot question itself and “a brief statement, prepared in clear and concise language, devoid of technical and legal terms to the extent practicable, summarizing the question.” Elec. Law § 7-105(b)(1). The Department of Legislative Services must prepare the statement and submit it for review to the Office of the Attorney General. *Id.* § 7-105(b)(2). Upon the Attorney General’s approval, the Department of Legislative Services must submit the statement to the State Board by the first Monday in August. *Id.* § 7-105(b)(2)(ii). No such statement need be drafted, reviewed, or submitted when the General Assembly drafts the language of the ballot question itself. *Id.* § 7-105(b)(3); *Stop Slots*, 424 Md. at 172.

The General Assembly Enacts Chapter 881

Exercising the authority granted by Article II, § 16 of the Maryland Constitution, Governor Moore issued a proclamation convening a special session of the Maryland General Assembly. Executive Order No. 01.01.2026.14 (July 17, 2026), *Proclamation Convening the General Assembly of Maryland in Extraordinary Session at Annapolis, Maryland Commencing August 3, 2026*, 53:15 Md. Reg. 662 (July 24, 2026). By that proclamation, the special session was set to commence on August 3, 2026. *Id.* The purpose of the special session was to “pass[] legislation to amend the state constitution to clarify and reaffirm that the provisions which govern the requirements of our state legislative districts do not apply to Maryland’s congressional districts.” *Id.*

The House and Senate convened on August 3, 2026. in special session. Both chambers considered House Bill 2100, “Election Districts—General Assembly and Representatives in Congress.” 2026 Md. Laws ch. 881. The bill sought to propose an amendment to the Maryland Constitution that “clarifie[d] the long-standing understanding and case law that Article III, § 4 of the Maryland Constitution governs only General Assembly districting plans, not congressional districting plans.” *Id.* The full text of the bill was posted to the General Assembly’s website on July 29, 2026. *See* Christine Condon, *Maryland Lawmakers Open Limited Window for Public Testimony on Redistricting Bill*, Maryland Matters, accessible at <https://tinyurl.com/muc2wzvp> (July 29, 2026).

Section 1 of the bill proposed additional language to Article III, §§ 4 and 62. The proposed language for Article III, § 4 specified that the section’s districting standards apply only to legislative districts for members of the Maryland Senate and Maryland House of

Delegates. 2026 Md. Laws ch. 881. The proposed language for Article III, § 62 vested the General Assembly with authority to grant the Supreme Court of Maryland original jurisdiction over congressional districting challenges. *Id.* The proposed language for § 62 further clarified that no other provisions of the Maryland Constitution or Declaration of Rights provided “applicable criteria” for the review of a congressional districting challenge. *Id.*

Section 2 of the bill determined that the proposed amendment affected “multiple jurisdictions” in the State, negating the application of provisions in Article XIV that applied to local approval of constitutional amendments. *Id.*

Section 3 of the bill contained two subsections. Subsection (a) mandated that the proposed amendment “shall be” submitted to the qualified voters at the general election in November 2026 in accordance with Article XIV. *Id.* Subsection (b) provided that, at that general election, the vote on the proposed amendment would be by ballot and through the words “For the Constitutional Amendment” and “Against the Constitutional Amendment.” *Id.* Subsection (b), as originally drafted, also provided that, “[a]t the [November 2026] general election, a question substantially similar to the following shall be submitted to the qualified voters of the State:”

Question ____ – Constitutional Amendment

The proposed Constitutional Amendment clarifies that certain standards in the Maryland Constitution apply only to districts used to elect members of the General Assembly; authorizes the General Assembly to grant original jurisdiction to the Supreme Court of Maryland to review the congressional districting plan of the State; and requires the criteria for boundaries of congressional districts to be determined by applicable federal laws.

Id.

House Bill 2100 was reported favorably out of the Government, Labor, and Elections Committee with an amendment.¹ The proposed amendment to the bill rewrote subsection (b) of Section 3 to mandate the exact ballot language for the constitutional amendment. It struck the language requiring “a question substantially similar” to the one provided and instead prescribed: “Notwithstanding any other provision of law, at the general election, the following question shall be submitted to the qualified voters of the State.” Comm. amend. 923921/1, H.B. 2100 (Aug. 3, 2026). Neither the proposed amendment itself, nor the language of the ballot question in the enactment, changed with the amendment to the bill.

When the bill returned to the House floor on Second Reader with the proposed committee amendment, one of the plaintiffs in the *Howell* matter, Delegate Matthew Morgan, challenged its adoption. House Proc. 71A at 40:40.² He asked for clarification from the floor leader, Delegate Kris Fair, regarding the amendment’s classification as a “technical” amendment. *Id.* at 41:55. Delegate Fair responded that the amendment sought to make clear that instead of selecting the statutory process that directs the Secretary of State to write the ballot question (an option that was no longer available due to timing), the General Assembly was choosing to write the ballot question itself in the enactment. *Id.* at

¹ 2026 Spec. Sess.—Comm. Vote: Government, Labor, and Elections for House Bill 2100, accessible at <https://tinyurl.com/mtv6uy95> (Aug. 3, 2026)

² The full recording of House Proceeding 71A is accessible at: <https://mgaleg.maryland.gov/mgaweb/FloorActions/Media/house-71-A?year=2026RS>

42:48, 48:10. After further debate, the full House of Delegates adopted the bill amendment by a 99-36 vote.

Thereafter, on August 4, 2026, the House passed House Bill 2100 with a three-fifths majority, 96-38. House Proc. 72.³ That same day, the Senate likewise passed the amended bill with a three-fifths majority, 32-13. Sen. Proc. No. 68A.⁴ The next day, on August 5, 2026, although not required to do so for constitutional amendments, Governor Moore approved the bill, and it became Chapter Number 881 of the 2026 Laws of Maryland.

After the enactment of Chapter 881, the State Board of Elections posted both the full text of the proposed amendment, the ballot question—Ballot Question 3— authored by the General Assembly, and a link to the enactment proposing the amendment on its website on Friday, August 7, 2026. Between August 5 and August 7, when the constitutional amendment had qualified for the ballot, but had not been posted to the State Board’s website, 151 people visited the State Board’s ballot question webpage at https://elections.maryland.gov/elections/2026/ballot_questions.html. Though it was not required to do so, the Department of Legislative Services drafted a plain language summary of the proposed amendment, which was approved by the Office of the Attorney General on

³ The full recording of House Proceeding 72 is accessible at: <https://mgaleg.maryland.gov/mgawebsite/FloorActions/Media/house-72-?year=2026RS>

⁴ The full recording of Senate Proceeding 68A is accessible at: <https://mgaleg.maryland.gov/mgawebsite/FloorActions/Media/senate-68-A?year=2026RS>

August 7, 2026, submitted to the State Board on August 11, 2026, and posted publicly by the State Board the same day.⁵

The *Howell* Plaintiffs File Suit Challenging the General Assembly’s Process

On August 6, 2026, the *Howell* plaintiffs filed a six-count complaint in the Circuit Court for Anne Arundel County that sought to enjoin the submission of Question 3 to voters. (E. 26.) The foundation of the complaint alleged that the General Assembly had violated three statutes by enacting Chapter 881 on August 5th. (E. 37-39.) First, count two of the complaint claimed that the General Assembly’s enactment of Chapter 881 on August 5th violated the July 1 deadline in Election Law § 7-103(c)(1) for the Secretary of State certify ballot question language to the State Board. (E. 44-45.) Count three alleged a similar violation of Election Law § 7-105(b), which requires the Department of Legislative Services’ statement about a proposed constitutional amendment to be submitted to the State Board by the first Monday in August. (E. 45-46.) And in count four, the *Howell* plaintiffs alleged that the ballot question prescribed in Chapter 881 did not contain a “brief statement explaining what the practical outcome of each voting choice would be,” under Election Law § 7-103(b)(6). (E. 47-49.) The complaint aggregated these allegations in count one, asserting that all three claimed statutory violations deprived the voters of due process. (E. 42-44.)

⁵ The statement, and the Attorney General’s letter approving it, are accessible at: https://elections.maryland.gov/elections/2026/2026_Ballot_Question_SBE_Letter.pdf

The *Howell* plaintiffs further challenged the “[n]otwithstanding” phrase in Subsection 3(b) of Chapter 881 as an impermissible attempt to suspend those provisions of the Election Law Article. (E. 41.) Count five of the complaint alleged that Subsection 3(b) could not operate to suspend any laws because it was not legislation, having “not passed by [sic] bicameralism and presentment.” (E. 49-50.) And count six asserted that the inclusion of the “notwithstanding” phrase in the same enactment as the proposed amendment violated the “single subject requirement” for proposed constitutional amendments. (E. 51.)

Under the circuit court’s scheduling order expediting the matter, the parties simultaneously filed cross motions for summary judgment on August 17. (E. 16-17.) Four days later, on August 21, the parties simultaneously filed oppositions in response and proposed findings of fact and conclusions of law. (E. 21-22.) The court held a daylong hearing on the motions on August 25. (E. 22.) At the conclusion of the hearing, the court remarked that it was “trouble[ed]” by a “couple of things” in the case related to the General Assembly’s process. (E. 409.) At the end of its remarks, the court commented:

By the way, these are the same people who want to set the law aside who are constantly telling us how we’re a nation of laws, not of men. We need to follow the law. We all need to be, you know – have this fidelity to the law. And then when they want something they can’t get in the ordinary way, they want to toss the law out. Doesn’t make a lot of sense to me.

(E. 410.) The next day, on August 26, the Circuit Court for Anne Arundel County issued its order enjoining the ballot question and proposed amendment. (E. 424.)

The *Wheatley* Plaintiffs File Suit Challenging the Ballot Question’s Language

On August 10, 2026, the *Wheatley* plaintiffs filed a three-count complaint in the Circuit Court for Dorchester County. The complaint primarily alleged, in count one, that the language of Question 3 was misleading and confusing in a manner that violated statutory and constitutional law. Count two alleged that Chapter 881 violated Election Law §§ 7-103 and 7-105 similarly to the allegations in the *Howley* plaintiffs’ complaint. And count three alleged that the three changes to the Maryland Constitution proposed in Chapter 881 violated the single subject requirement.

Two days after the complaint was filed, on August 12, 2026, the State filed a motion to transfer venue to Anne Arundel County. In support of transfer, the State argued that Election Law § 12-202(b), the statute under which plaintiffs sought relief, required relief to be sought from “the appropriate circuit court.” Looking to similar statutes providing for judicial review of statewide ballot and electoral issues, the State demonstrated that the General Assembly had selected the Circuit Court for Anne Arundel County as the appropriate forum for challenges that would affect statewide electoral operations. The State further emphasized that, under the traditional venue analysis, Anne Arundel County would best serve the interests of justice and convenience of parties, all of whom conducted their governmental business in Annapolis. Moreover, because the *Howell* plaintiffs’ suit had already commenced in Anne Arundel County, and had been assigned an expedited briefing schedule, it would best serve the public interest to have the cases move together through the judicial system.

The *Wheatley* plaintiffs opposed the motion on August 14, 2026, arguing that they had selected Dorchester County and that their choice was entitled to deference because one plaintiff resided there, while other plaintiffs represented that county and its surrounding communities. No hearing was scheduled or held to resolve the dispute. Five days later, on August 19, 2026, the court issued an order denying the State’s motion without explanation.

On August 12, 2026, concurrent to the State’s filing of its venue motion, the *Wheatley* plaintiffs filed a motion requesting a temporary restraining order and preliminary injunction. On August 21, 2026, the State separately filed a response in opposition to the request for injunctive relief and a motion for summary judgment, supporting both with a single memorandum of law. By agreement between the parties, the *Wheatley* plaintiffs filed a motion for summary judgment on August 26, 2026, supported by a memorandum that responded to the State’s filings.⁶

On August 27, 2026, the Court convened a hearing on the motions for summary judgment. The next day, the Court issued a written ruling granting summary judgment to plaintiffs. (E. 425.)

SUMMARY OF ARGUMENT

The General Assembly passed Chapter 881 “by three-fifths of all the members elected of the two Houses.” Article XIV. As a result, the amendment proposed in Chapter 881 “shall be submitted, in a form to be prescribed by the General Assembly, to the

⁶ Because no answer had been filed in the case, any grant or denial of injunctive relief would not have been immediately appealable. Md. Code Ann., Cts. & Jud. Proc. § 12-303(3)(i) & (ii) (LexisNexis 2020).

qualified voters of the State for adoption or rejection” at “the next ensuing general election.” *Id.* Neither set of plaintiffs have alleged a claim warranting a different result.

The General Assembly enacted Chapter 881, placing Question 3 before Maryland’s voters, by exercising its express authority under Article XIV, § 1 of the Maryland Constitution. The Election Law Article provisions governing when and how the Secretary of State prepares statewide ballot questions were not enacted to apply to the Legislature’s execution of its Article XIV process. And even if they applied, the statutes could not set aside the constitutional process, by qualifying it in a way that prevents an amendment from being submitted to voters despite its passage by a three-fifths majority in both chambers.

Nor do any alleged statutory violations amount to a violation of due process. Due process in the context of Article XIV requires “adequate notice” of a proposed amendment, *Stop Slots*, 424 Md. at 192, and ballot language that conveys, with “minimum reasonable clarity,” the scope and effect of the proposed amendment, *Maryland State Bd. of Elections v. Ambridge*, 489 Md. 404, 462 (2025). Chapter 881 and Question 3 exceed both standards, respectively, with voters able to access all necessary ballot materials nearly three months before election day and with the ballot question apprising voters accurately of every change offered by the proposed amendment.

Finally, the amendment proposed in Chapter 881 abides by the single subject requirement in Article XIV. The constitutional requirement permits a single amendment to make multiple changes to the constitution amongst multiple articles and sections, so long as the changes all relate to a common subject matter. The three changes to Article III

offered in Chapter 881 are all directly related to the drawing of election districts in the State.

ARGUMENT

I. THIS COURT REVIEWS THE APPLICATION OF THE ELECTION LAW ARTICLE TO ARTICLE XIV OF THE CONSTITUTION WITHOUT DEFERENCE TO THE CIRCUIT COURT.

A trial court’s interpretation of constitutional and statutory election provisions receives no deference on appeal. *Dove v. Simmons*, 2026 WL 2015701, *10 (Md. July 13, 2026). The standard of review is de novo. *Id.*

II. THE ELECTION LAW ARTICLE PROVISIONS GOVERNING THE SECRETARY OF STATE’S DUTIES RELATED TO BALLOT QUESTIONS PROVIDE NO BASIS FOR REMOVING A QUESTION THAT THE GENERAL ASSEMBLY WROTE ITSELF.

Title VII of the Election Law Article does not provide a basis to remove Question 3 from the general election ballot. Sections 7-103 and 7-105 provide certain deadlines, drafting standards, and a notice and comment period expressly associated with the Secretary of State’s preparation of statewide ballot question language. They were not enacted to apply when the General Assembly uses its Article XIV authority to “prescribe[]” the “form” of a proposed amendment to be submitted to the voters as it did in Chapter 881. Moreover, those statutes cannot be interpreted to restrain the Legislature’s exercise of constitutional authority in a manner inconsistent with the state constitution. The judgment of the circuit court ruling otherwise should be reversed.

A. The Election Law Article Deadlines and Standards for Ballot Questions Do Not Apply, and Were Not Intended to Apply, When the Legislature Itself Authors the Specific Question to Appear on the Ballot.

Historically, the General Assembly has provided statutory direction for condensing the language of a proposed constitutional amendment to appear on the ballot when the bill proposing the amendment did not itself provide the ballot question. *See* 33 Op. Md. Att’y Gen. 178, 179 (1948) (explaining that prior to the enactment of statutory provisions, “[u]nless the Act proposing the Amendment provided the form in which it was to be placed upon the ballots, it was necessary for the proposed Amendment to be printed in full”). Currently, Election Law § 7-103 provides for the preparation of ballot question language generally, including statewide ballot questions arising out of the Article XIV constitutional amendment proposal process. More recently, during the 2026 legislative session, the General Assembly passed Senate Bill 29, 2026 Md. Laws ch. 449, which amended in part Election Law §§ 7-103 and 7-105 to include certain simplified language standards for ballot questions, apply a July 1 deadline for the Secretary of State to prepare and certify statewide ballot questions, and institute a 15-day comment period on draft questions proposed by the Secretary of State. In creating these provisions, though, the General Assembly did not intend to create an exclusive path for an Article XIV ballot question to reach the voters on the ballot, regardless of the question’s author. It intended to provide an option for itself when it did not author the question—a curated path for the executive branch’s exercise of delegated authority.

Article XIV is clear in its grant of authority: a “proposed amendment . . . shall be submitted” to voters “in a form to be prescribed by the General Assembly.” “[W]hen the General Assembly submits a proposed amendment to voters for approval pursuant to Article XIV, it may, itself, prescribe the language that will appear as the ballot question.” *Stop Slots*, 424 Md. at 191 n. 16. While each amendment must be proposed by a separate bill, and the text of that bill must be “publicized,” Article XIV places no other time or manner restrictions on the General Assembly’s power to present its proposed amendments to voters.

It is undisputed that the General Assembly may delegate its authority to prescribe the ballot “form” of a proposed amendment. *Morris v. Governor of Md.*, 263 Md. 20, 25-26 (1971). Election Law § 7-103 is such a valid delegation of that authority to the Secretary of State. *Id.* at 26-27. Section 7-103(b) provides the Secretary with “ample” standards for the exercise of the delegated authority. *Id.* Section 7-103(c) ensures that the Secretary’s process finishes before ballots must be publicly displayed and made ready for printing on the 64th day before the election. And § 7-105(b)(1) and (2) provide a subsidiary assignment to the Department of Legislative Services and delegation to the Office of the Attorney General to timely supplement the Secretary’s effort. By their own terms, none of the statutes imposes a deadline or drafting standard on the General Assembly.

With Election Law §§ 7-103 and 7-105 extant, the General Assembly has routinely communicated in the bill enacted to propose the constitutional amendment whether it was authoring the requisite ballot language on its own or assigning it to the Secretary of State. In some bills proposing a constitutional amendment, the General Assembly provides no

ballot language at all, permitting the Secretary of State to follow the framework established in Title VII of the Election Law Article and to exercise that delegated authority fully. *See, e.g.,* 2021 Md. Laws ch. 808 (proposing an amendment to Article III, § 9 establishing “primary place of abode” as a residency requirement for a candidate running for legislative office); 2018 Md. Laws ch. 855 (proposing an amendment to Article I permitting same-day voter registration at polling places). In other bills, the General Assembly directs that a ballot question appears “in substantially similar form” to model language provided in the enactment, permitting an exercise of delegated authority that hews closely to an acceptable form determined by the Legislature. *See, e.g.,* 2026 Md. Laws ch. 155 (proposing an amendment to Article III requiring the Governor to include funding in the proposed budget for collective bargaining agreements reached with State employees); 2022 Md. Laws ch. 45 (proposing Article XX as an amendment to the constitution legalizing the qualified use and possession of cannabis). In the bill at issue in this case, the General Assembly mandated “the question” to be printed on the ballot, obviating the need for the Secretary to participate in the Article XIV process. *See* 2026 Md. Laws ch. 881 (“Notwithstanding any other provision of law, at [the 2026] general election, *the following question shall be submitted to the qualified voters of the State*”) (emphasis added).

This Court should reject any attempt to interpret the delegations of authority in § 7-103 and 7-105(b)(1) and (2) to somehow govern the General Assembly’s own constitutional authority. *See Koshko v. Haining*, 398 Md. 404, 425 (2007) (courts are obliged to interpret legislative enactments in a manner that avoids conflict with the state constitution “whenever reasonably possible”); *see also Harrison-Solomon v. State*, 442

Md. 254, 287 (2015) (Supreme Court of Maryland will apply a “judicial gloss” to interpretation in order to “skirt a constitutional confrontation,” and, if necessary, will “limit a statute to only those situations in which it would pass constitutional muster”). By enacting Election Law § 7-105(b)(3), the General Assembly made clear that it was sharing, not wholly granting, the authority to draft a ballot question for a proposed constitutional amendment. The sponsor of Senate Bill 29 explained this balance in the bill hearing, stating that “if ballot language comes from the General Assembly, that language goes right in. We hope it will be comprehensible to the voters, but we just want to make sure that that’s not amended.” Statement of Senator Kagan before the Government, Labor, and Elections Comm. starting at 47:04 (Apr. 1, 2026);⁷ *see also Stop Slots*, 424 Md. at 172 (noting that, under Election Law § 7-105(b)(3), the Secretary of State is “tasked” with preparing a ballot question only when the General Assembly chooses not to do so). This is also made clear by the legislative history and purpose for enacting the precursors to Election Law § 7-103: Prior to enacting those statutes, a proposed constitutional amendment would have to appear on the ballot in full if the General Assembly did not dictate a condensed the form in the bill. *See* 23 Op. Md. Att’y Gen. 218, 219 (1938); 33 Op. Md. Att’y Gen. at 179. The statutory delegation to the Secretary of State thus merely replaces the cumbersome default alternative of printing an amendment in full on a ballot if the General Assembly does not provide its own condensed version.

⁷ The full recording of the committee proceeding may be accessed at https://mgaleg.maryland.gov/mgaweb/Committees/Media/false?cmte=gvc&ys=2026RS&clip=GVC_4_1_2026_meeting_1&billNumber=sb0029.

Election Law § 7-103(c)(1) thus expressly binds only the Secretary to “prepare and certify” a statewide ballot question by July 1. Read in the context of the rest of §§ 7-103 and 7-105, it does not generally hold all ballot questions, regardless of author, to a July 1 deadline. Likewise, the 15-day comment period in Election Law § 7-103(c)(5) is applicable only to ballot questions “submitted in accordance with [§ 7-103]”—those “prepare[d] and certif[ied]” by the Secretary of State.⁸ By its own statutory terms, the statute is not applicable to every ballot question submitted to voters. *See* Elec. Law § 7-103(c)(5)(ii) (directing “the person required to prepare a question” under § 7-103(c)(1)-(4) to review public comments and make “necessary changes to the question”). And the standards provided in Election Law § 7-103(b), including (b)(6), guide the Secretary’s drafting of ballot language, *Morris*, 263 Md. at 26-27; they were not enacted to guide the General Assembly. *See Stop Slots*, 424 Md. at 172 (recognizing that the General Assembly “could have prescribed . . . the language that would appear as a ballot question to explain the amendment to the electorate”). The absence of an express provision in Election Law § 7-103 excepting Article XIV ballot questions written by the General Assembly from the July 1 deadline and other § 7-103 requirements means little against both the plain language, which specifically ties the Secretary—not the General Assembly—to the July 1 deadline, and the constitutional backdrop, which expressly and unqualifiedly assigns that prerogative to the General Assembly.

⁸ It is also applicable to those questions authored by county and municipal attorneys for ballot questions attendant to local enactments and charter amendments. *See* Elec. Law § 7-103(c)(3)-(5).

Nor is the General Assembly's choice to draft the ballot question itself in Chapter 881 inconsistent with its passage of Senate Bill 29 earlier this year. Senate Bill 29's July 1 deadline, a comment period, and the language standard provisions in Election Law §§ 7-103 and 7-105 are general modifications to the standards for ballot questions enacted after this Court's opinion in *Maryland State Board of Elections v. Ambridge*, 489 Md. 404. In the context of Article XIV specifically, the statutory amendments provided in Senate Bill 29 guide the Secretary of State and other actors *when the Secretary of State exercises its delegated statutory authority* to author and prepare statewide ballot questions. While it makes good sense for the General Assembly to provide clear deadlines, standards, and processes by statute to apply when an executive branch official is fulfilling delegated duties, the need for those provisions is negated and superfluous when there are no "middlemen" involved.

Indeed, the Article XIV legislative process inherent in passing a bill to propose a constitutional amendment essentially accomplishes the same goals that animated Senate Bill 29. The entire legislative body of the people's elected representatives got to debate, propose amendments to, and vote on the text of the ballot question, rather than the single, non-elected Secretary of State, who, under the Election Law § 7-103 process would alone be responsible for drafting the question and deciding on what potential feedback to accept before certification. Voters also had an opportunity to submit written or in-person testimony in a bill hearing. The purposes of Senate Bill 29 (and Election Law §§ 7-103 and 7-105) were not thwarted by the General Assembly when it wrote its own question in Chapter 881 instead of handing the assignment to the Secretary of State.

Here, then, the enactment of Chapter 881 was a pure exercise of the General Assembly's Article XIV authority to prescribe the "form" of a proposed amendment. By drafting the ballot question itself and requiring that it be submitted to voters, the General Assembly left no room for the Secretary to play a role in the ballot preparation or certification process, ensuring that Election Law §§ 7-103 and 7-105 likewise have no application. *Stop Slots*, 424 Md. at 172. The statutes governing the Secretary of State and Department of Legislative Services' deadlines for participating in that process, and the statute providing the Secretary with standards for drafting the question, were never implicated by the enactment of Chapter 881. The General Assembly, in turn, did not violate "a law applicable to the elections process." *Suessmann v. Lamone*, 383 Md. 697, 714 (2004).

B. The Election Law Article Cannot Constrain or Nullify the Article XIV Process.

Even if this Court interprets the provisions of the Election Law Article discussed above to apply when the General Assembly authors the ballot question at issue, their violation cannot remove Question 3 from the ballot. Allowing otherwise means that, through the enactment of Election Law § 7-103 the General Assembly has categorically prohibited itself from proposing constitutional amendments after July 1 of an election year as well as submitting its ballot language to the determination of an executive branch official as to whether changes to the Legislature's language are "necessary." Moreover, through enacting that same statute, the General Assembly prohibited its proposed amendments from being submitted to voters unless they first undergo a 15-day comment period. And through

Election Law § 7-105, the General Assembly further qualified the constitutional process for amendments by making it dependent on duties delegated to the Department of Legislative Services and Office of the Attorney General. But the statutes cannot constrain or diminish the constitutional process in those ways.

The text of the Maryland Constitution, and of Article XIV in particular, is interpreted by giving its terms “their ordinarily and generally accepted meaning.” *Cohen v. Governor of Md.*, 255 Md. 5, 16 (1969). There is no ambiguity in the terms of Article XIV. The General Assembly, and it alone, “may” propose amendments to the Maryland Constitution. *Warfield v. Vandiver*, 101 Md. 78, 540 (1905). It does so when the proposal is “passed by three-fifths of all the members elected to each of the two Houses.” Art. XIV. The proposed amendment “shall be submitted” at “the next ensuing general election.” *Id.* “Shall” is “mandatory,” *Hillman v. Stockett*, 183 Md. 641, 649 (1944), and “next ensuing general election” means what it says—the next regularly scheduled election for the purpose of selecting State officers by electoral process. *Cohen*, 255 Md. at 20. The constitutional text contains no qualifiers or conditions as to when or whether the General Assembly’s proposal “shall be submitted” at “the next ensuing general election.” Art. XIV.

To the extent provisions of the Election Law Article would constrain the General Assembly’s authority under this constitutional process, those statutes, as a matter of constitutional law, are of no effect. This Court, for example, recognized in *Maryland Action for Foster Children, Inc. v. State*, 279 Md. 133, 148 (1977), that, under Article III, § 52 (the “Budget Amendment”), the proposed level of funding for a program included in the Governor’s annual budget submission is “a matter constitutionally committed to the

Governor’s discretion.”⁹ Accordingly, an ordinary statute requiring the Governor to fund a program at a particular level could not bind the Governor. Where “the Constitution itself gives the Governor authority to reduce estimated appropriations in all categories except those for the General Assembly, for the Judiciary and for the public schools as provided by law[,] [t]he Legislature, by enacting statutes specifying minimum spending limits, cannot deprive the Governor of the discretion which the Constitution explicitly vests in him.” *Id.* at 151 (footnote omitted).

Conversely, in *Judy v. Schaefer*, 331 Md. 239 (1993), the Court rejected an argument that § 7-213 of the State Finance and Procurement Article (the “budget reduction statute”)¹⁰ was inconsistent with the constitutional budget process of Article III, § 52 and was thus “unauthorized.” As this Court observed, “[t]he authority given to the Governor in § 7-213 corresponds to the power vested in the Governor by Art. III, § 52. Section 7-213 merely allows the Governor to accomplish at the end of the budget process what he is required to do when he submits his initial budget.” *Id.* at 259. And because the Governor’s authority under § 7-213 “mirrors” his authority under Article III, § 52, the statutory grant

⁹ Maryland voters subsequently ratified an amendment to Article III, § 52 requiring that the Governor include in the annual budget submission a level of funding for a program that is not less than the level “prescribed in the law.” 1978 Md. Laws ch. 971.

¹⁰ State Finance and Procurement Article § 7-213 authorizes the Governor, with the approval of the Board of Public Works, and subject to certain exceptions, to reduce any appropriations the Governor considers unnecessary by not more than 25 percent.

was consistent with the constitutional budget process and was properly enacted pursuant to Article III, § 52(13). *Id.* at 261.¹¹

For the same reasons that a statute cannot deprive the Governor of his constitutional budget powers under Article III, § 52, statutes cannot negate the constitutional powers granted to the General Assembly by Article XIV. Article XIV vests in the General Assembly the authority to propose a constitutional amendment—without constraints as to how and when it can do so, except for the requirement that a single bill “embrace[] only a single subject.” Md. Const. Art. XIV, § 1. Any argument that provisions of the Election Law Article operate to constrain the General Assembly in the exercise of its Article XIV authority, by limiting how and when it can propose a constitutional amendment, is inconsistent with the constitutional process of Article XIV and, for that reason, fails as a matter of constitutional law.

In addition, the Maryland Constitution prohibits the General Assembly from passing election laws that conflict with its provisions. Article III, § 49 grants the General Assembly “power” to legislate “all matters” relating to the “time, place and manner of holding elections in this State.” The General Assembly thus plays a “significant role” in determining the electoral process. *Lamone v. Capozzi*, 396 Md. 53, 60 (2006). The power to regulate elections is constitutionally constrained by one important condition, though: that the resultant legislation is “not inconsistent with this Constitution.” Art. III, § 49. Put

¹¹ Article III, § 52(13) expressly authorizes the General Assembly to enact laws that are “not inconsistent with” § 52 and are “necessary and proper” to carry out its provisions.

another way, the General Assembly cannot make election laws that are inconsistent with or abridge other constitutional mandates.

Beyond the express constitutional prohibition related to election laws, the General Assembly is also prohibited from enacting legislation that binds or restricts future General Assemblies in the exercise of their constitutional powers. *Nordheimer v. Montgomery County*, 307 Md. 85, 101 (1986). For instance, the General Assembly may not enact a law that contains a provision precluding its repeal by a subsequent legislature. *Montgomery County v. Bigelow*, 196 Md. 413, 423 (1950). Nor could it enact a law creating an “irrevocable” contract with public employees. *See Cherry v. City of Baltimore*, 475 Md. 565, 623 (2021) (quoting *United States Tr. Co. v. New Jersey*, 431 U.S. 1, 23 (1977)). And where the General Assembly wished to clearly delineate the State’s regulations on commercial gaming, including limiting the number of video lottery terminals that could be operated in the State, it did so by proposing constitutional amendments in order to avoid running afoul of the prohibition on binding future legislatures. *See Smigiel v. Franchot*, 410 Md. 302, 215 (2009).

Altogether, interpreting Article XIV’s plain language in the context of Article III, § 49 and the prohibition against binding future legislatures leaves no room for an argument that the Election Law Article constrained the Legislature in this case. The legislature could not pass a law restricting future legislatures from proposing amendments after July 1.¹²

¹² If a General Assembly could choose a date after which it could no longer legally propose amendments, it could functionally nullify Article XIV. Under both plaintiffs’ theories, the General Assembly chose July 1 as the beginning of a no-proposal period; but, there was, and is, nothing stopping the Legislature from choosing “January 1,” “the year

Nor could the Legislature pass a law inconsistent with the mandate that its proposed amendment “shall be submitted” to voters at “the next ensuing general election.” Election Law § 7-103, then, could not create a deadline for the exercise of Article XIV power; and Election Law §§ 7-103 and 7-105 could not create circumstances that would prevent a duly enacted proposed constitutional amendment from being submitted to voters.

Interpreting the Election Law provisions at issue to negate the General Assembly’s ability to put the proposed constitutional amendment on the ballot in November would effectively elevate those statutes to the level of a delegation of constitutional amendment proposal power. The State Board of Elections and Office of the Attorney General would both hold functional veto power over any proposed amendment. *See* Elec. Law §§ 7-103(c)(5) and 7-105(b)(2). This the General Assembly clearly may not do. *See Christ ex rel. Christ v. Maryland Dep’t of Nat. Res.*, 335 Md. 427, 444-45 (1994).

Title VII of the Election Law Article thus could not, and did not, provide grounds to remove Question 3 from the general election ballot. Through enacting Chapter 881, the General Assembly engaged the constitutional process provided in Article XIV. A statute cannot lawfully impose conditions on that process that would restrict its outcome or cause it to fail. And, accordingly, the entirety of Chapter 881 was a constitutional exercise of the General Assembly’s Article XIV authority. Section 1 proposed an amendment to the state constitution. Section 2 determined local effect as required by Article XIV. And Section 3

preceding the election,” or “the period starting from the last election date until the next election date” as the beginning of such a period. Neither appellees nor the circuit court have offered a reasoned way to limit the General Assembly from such a result.

prescribed the “form” of the amendment. Art. XIV; *see also* Statements from the Floor Leader, House Proc. 72 at 42:02 (“So what we’re looking at here with this amendment is we have to ensure that the amendment is ready for election day. . . . In order to make that happen, um, we have to bypass the normal process that would follow when the Secretary of State would write the ballot question because this ballot question was considered before the General Assembly, before the body, written by the body, which is in our prerogative and was heard in public hearing with the opportunity for public testimony. We simply said that the amendment will simply go straight to the ballot.”)

Section 3 did not impermissibly suspend or repeal any law applicable to the proposed constitutional amendment without full legislative process. It made clear that the General Assembly was engaging in a pure exercise of its Article XIV authority, leaving only the Article XIV process applicable to the question it had drafted. *See also* 2013 Md. Laws, 2nd Spec. Sess., ch. 1, § 6(2) (accomplishing the same after a special session to propose a ballot question 83 days before a general election, under Article XIX, by providing: “The State Board of Elections shall do those things necessary and proper to provide for and hold the referendum required by this section.”).¹³ The circuit court’s judgment to the contrary must be reversed.

¹³ Like a proposed constitutional amendment, Article XIX, § 1(e) requires the General Assembly to submit to the voters for approval any act authorizing additional forms or expansion of commercial gaming.

III. CHAPTER 881 AND QUESTION 3 MEET THE NOTICE REQUIREMENTS ATTENDANT TO PROPOSED AMENDMENTS AND BALLOT LANGUAGE.

A. Voters Have “Adequate Notice” of Chapter 881.

Under the terms of Article XIV, notice of a proposed amendment takes place by “publicizing” the bill proposing the constitutional amendment. The Governor may order the bill to be published in a certain number of newspapers around the State “once a week for four weeks . . . immediately preceding” the election; or may order publication in some other “manner provided by law.” Article XIV. At minimum, then, Article XIV sets newspaper publication of the proposing bill’s text in the month before the election as constitutionally adequate notice.

In *Stop Slots MD 2008 v. State Board of Elections*, this Court noted that principles of due process also bear on Article XIV because due process generally bears on “any notice inquiry.” 424 Md. at 192. Due process in this context demanded “adequate notice,” or publication of materials “prior to the election,” of which an average voter could avail themselves in a timely manner. *Id.* at 192-93. The requisite materials included the text of the ballot question itself, the full text of the amendment and its proposing enactment, and, when the Secretary of State drafted the ballot language, the “brief statement” required by Election Law § 7-105(b). *Id.* And timeliness, in the context of Article XIV, meant sending a voter the requisite information by specimen ballot “at least one week before the general election,” or “dissemination by mass communication during the 3 weeks immediately preceding the general election. *Id.* at 192 (quoting Elec. Law § 7-105(a)). The “crux of

sufficient notice,” ultimately, was the availability of the full text of the proposing enactment “in a forum that is easily accessible to an ordinary voter.” *Id.* at 193.

Chapter 881 does not suffer from any shortcomings of notice. The conditions for “adequate notice”—publication of Chapter 881 in a forum easily accessible to voters and transmission of the ballot question and explanatory materials during the weeks before an election¹⁴—have either been met or may still be met. On August 7th, the State Board posted the full text of Question 3, the full text of the amendment it proposes, and a link to the text of the full enactment that proposed it. Maryland State Bd. of Elections, Ballot Questions for the November 3, 2026 Election, accessible at <https://tinyurl.com/2azfcvzt> (last accessed Aug. 28, 2026). On August 11, the State Board posted the “brief statement” for Question 3 discretionarily written by the Department of Legislative Services. Maryland State Bd. of Elections, Department of Leg. Serv’s—State Ballot Question Summaries, accessible at <https://tinyurl.com/2azfcvzt> (last accessed Aug. 28, 2026).

In doing so, the State Board has already met the statutory obligations to post “the complete text of a question” by the 65th day before the election, Elec. Law § 7-105(d)(1), and to provide a weblink to the General Assembly’s enactment with the posted ballot question, Elec. Law § 7-105(e)(2). The State Board is now ready, as it relates to Question

¹⁴ When *Stop Slots* was decided, the version of the statute to which the opinion cited required specimen ballots be sent to voters “at least one week before the general election.” 424 Md. at 192. In 2013, the General Assembly revised the statute to reflect the State’s adoption of early voting. 2013 Md. Laws ch. 567. The law now requires specimen ballots be sent a week before the early voting period for a general election, which is three weeks before election day. Elec. Law § 7-105(a).

3, to “certify and publicly display” the question’s language on its website on or before the 64th day before the election. Elec. Law § 9-207(a)(2). And the State Board will be able to facilitate the local board’s transmission of specimen ballots, directly notifying voters of the proposed amendment and its ballot question, “at least one week before any early voting period.” Elec. Law § 7-105(a)(2). The full text of the enactment is currently available in an easily accessible forum and there is nothing stopping voters from receiving their pre-election specimen ballots with notice of Question 3 in them.

Both sets of plaintiffs have nonetheless argued that the notice requirements have not been met because the full text of the proposed amendment was not posted on the State Board’s website on the 90th day before the election, as provided in Election Law § 7-105(e)(1)(ii). But neither the Maryland Constitution nor the cases interpreting it have ever indicated that the due process attached to Article XIV (which expressly requires at minimum only newspaper publication in the four weeks preceding the election) is dependent on the text of an amendment being posted on a specific website three months before an election. And any such argument would yield to the undisputed facts of the record.

The text of the amendment was posted to the General Assembly’s website, in full, on July 29, 2026 (97 days before the election); it has remained unchanged since then. The website of the General Assembly is a “forum” that is as “easily accessible” as the website of the State Board. *Stop Slots*, 424 Md. at 193. Moreover, the State Board posted the full text of the amendment on the 88th day before the election. In the intervening time between the 90th day and when the question was posted, only 151 unique visitors viewed the State

Board's ballot question website. There can be no credible argument that all registered voters have been deprived of due process because the text of the proposed amendment may have gone unseen over a period of 60 hours by 151 people. Certainly, it cannot be shown that the outcome of the proposed amendment's adoption will be affected by 151 web visitors viewing the State Board's website without seeing the amendment text three months before the election. *See Suessman*, 383 at 714 (citing Elec. Law § 12-202(a)).

Any assertion of inadequate notice would also necessarily yield to the consistent news coverage the proposed amendment has received during the General Assembly's special session and since then. *See e.g.* Lily Tierney, *Voters to Decide Future of Redistricting After Maryland Lawmakers Pass Bill*, [Easton] Star Democrat, Aug. 4, 2026, accessible at <https://tinyurl.com/5dp2au46>; Erin Cox, *Maryland Democrats Ask Voters to Let Them Redraw Congressional Districts*, Wash. Post, Aug. 5, 2026, accessible at <https://tinyurl.com/4fbv4bbm>; Jane C. Timm, *Democrats Put Redistricting Amendment on Maryland's Midterm Ballot*, NBC News, Aug. 4, 2026, accessible at <https://tinyurl.com/285vbj5c>; Tinashe Chingarande, *Maryland Voters to Decide Congressional Map Amendment After Senate Approval*, Balt. Sun, Aug. 4, 2026, accessible at <https://tinyurl.com/3rc5xyst>; Sarah Rankin, *Maryland Democrats Begin Advancing Redistricting Constitutional Amendment*, Wash. Times, Aug. 3, 2026, accessible at <https://tinyurl.com/3kfshvey>. The two lawsuits giving rise to these appeals have only added to that coverage, prompting articles and broadcasts which refer directly to the amendment text and its ballot question. *See, e.g.*, Mikenzie Frost, *Lawsuit Filed Seeking to Block Maryland Redistricting Amendment from Ballot*, Fox 45 News, Aug. 7, 2026

accessible at <https://tinyurl.com/3zru68zk>; Sarah Petrowich, *Maryland GOP Lawmakers Sue to Keep Redistricting Amendment Off November Ballot*, WYPR, Aug. 7, 2026, accessible at <https://tinyurl.com/5ftvuxmk>; Jasmine Baehr, *Exclusive: Oversight Project Sues to Block Maryland Democrats' Redistricting Measure Backed by Gov. Moore*, Fox News, Aug. 6, 2026, accessible at <https://tinyurl.com/59fhfb5s>. Given the news coverage and the notice it has provided, posting the full text of the amendment on the 88th day before the election will not “prevent or frustrate an intelligent and full expression of the intent of the voters.” *Dutton v. Tawes*, 225 Md. 484, 495 (1961).

As explained above, the constitutional right to due process does not hinge on technicalities, such as posting on a specific website or posting for a specific number of days. There is no question that Maryland voters have had ample access to, and notice of, the ballot question .

B. Ballot Question 3 Is Neither Misleading nor Inaccurate.

The General Assembly’s exercise of its constitutional power to write ballot language must abide by Article XIV and Article I, § 1. In judging whether those standards are met, courts owe deference to the General Assembly’s exercise of its black-letter constitutional authority. *See Moore v. Maryland Hemp Coalition*, 267 Md. App. 169, 200 (2025) (“[T]he General Assembly is bound by and is presumed to follow the Maryland Constitution.”). Article XIV itself requires that each proposed amendment may “embrace[] only a single subject.” *Id.* Ballot questions must accordingly remain focused on a single subject matter.

Article I, § 1 mandates that “[a]ll elections shall be by ballot.” The “form” of a proposed amendment submitted to voters must therefore be amenable to elections by ballot;

the General Assembly could not require submission of proposed amendment by voice vote. But the ballot need only identify each constitutional amendment with sufficient information for voters to identify which of the already-publicized constitutional amendments the ballot question relates to. Historically, this requirement could be satisfied by placing only the amendment's legislative title on the ballot, alongside choices "for" and "against" the amendment. See *Lexington Park Vol. Fire Dep't v. Robidoux*, 218 Md. 195, 199-200 (1958); see also 33 Md. Op. Att'y Gen. at 181. That suffices because it is assumed voters will be aware of each amendment's substance from the publication of the full text in the run-up to the election. See 33 Md. Op. Att'y Gen. at 181; see also *Anderson v. Celebrezze*, 460 U.S. 780, 797 (1983) ("Our cases reflect . . . faith in the ability of individual voters to inform themselves about campaign issues."). That is why, for example, ballots include no information about candidates beyond their name and party affiliation (if any), nor does it explain the powers of the various offices up for election. An election "ballot" requires no more.

Moreover, "the Constitutional provisions providing for voter input by amendment or referendum" impose an additional requirement on the language of a ballot question. *Stop Slots*, 424 Md. at 189. The question must apprise voters of the "true nature of the [enactment] upon which they are voting." *Ambridge*, 489 Md. at 458. In reviewing the sufficiency of a ballot question under this standard, this Court is "not concerned with the question of whether [it], the trial court, or any of the numerous advocates on either side of this issue, are capable of drafting better ballot language." *Id.* Rather, judicial review is "limited" to "discerning" whether the ballot question conveys to voters "with reasonable

clarity the actual scope and effect” of the proposed amendment. *Id.* at 459. “Minimum” reasonable clarity will suffice. *Id.* at 462.

Clarity does not mean the use of plain language but instead connotes when the ballot question reflects the proposed amendment “accurately” and describes it “in a non-misleading manner.” *Id.* at 458, 462 (holding that charter amendment that used metes-and-bounds language to describe its area of effect “could have been drafted better or written more clearly,” but nonetheless sufficed because it accurately reflected the language of the charter amendment). A ballot question is thus unclear when it masks 41 zoning changes of varying types to varying pieces of land by representing that the measure seeks to “rezone certain parcels of land” and asks the voter to simply vote “For” or “Against.” *Anne Arundel County v. McDonough*, 277 Md. 271, 298-99 (1976). And a ballot question is misleading when it entirely fails to relate the existence of the only operative clause in the proposed amendment. *Surratt v. Prince George’s County*, 320 Md. 439, 449 (1990).

In a case, such as this one, where the General Assembly has itself authored the ballot question and done so by adhering closely to the legislative title, deference is owed the Legislature’s choice of language. When the General Assembly uses the legislative title as the language of the ballot question, the subject matter and informational standards codified in Article III, § 29 “come into play.” *Surratt*, 320 Md. at 448 (quoting *McDonough*, 277 Md. 271, 295 (1976)). Courts have “traditionally” given the Article III, § 29 requirements “a liberal construction” and defer to the General Assembly’s choices. *Maryland Classified Emps. Ass’n v. State*, 346 Md. 1, 13-14 (1997).

That same liberal construction and deference is logically extended to the General Assembly's choice of ballot language when assessing whether it adequately describes the proposed amendment. It properly acknowledges that the issues facing the State, requiring an amendment to its constitution, are "complex" and in need of multi-faceted and intricate responses; whilst balancing against the harm of over-complicating a submission to voters. *Maryland Classified Emps.*, 346 Md. at 14; *see also Ambridge*, 489 Md. at 458 (noting that ballot language should not be "clouded by undue detail") (quotation omitted). And it respects principles of separation of powers, which preclude the judiciary from usurping a function constitutionally committed to the Legislature. *See* Md. Decl. Rts. art. 8; *see also Getty v. Carroll County Bd. of Elections*, 399 Md. 710, 742 (2007) (court could not exercise General Assembly's power under Article VII to specify election method for county commissioners); *O'Hara v. Kovens*, 92 Md. App. 9, 25-26 (1992) (citing further cases), *aff'd in part and rev'd in part on other grounds*, 305 Md. 280 (1986). Especially relevant here, "the power of judicial review does not equate to the power to exercise functions that are explicitly vested in the other organs of the government." *Getty*, 399 Md. at 741.

Question 3 fairly conveys the scope and effect of the constitutional amendment in a way that satisfies the minimum reasonable clarity standard. First, it makes clear that the question deals with standards for the boundaries of congressional districts. The language explains that boundaries of congressional districts will be governed by federal law, whereas standards in the Maryland Constitution will apply "only" to General Assembly districts. A reasonable voter reading this question as a whole would understand that, under the amendment, state constitutional standards would not apply to congressional districts.

The language states that “certain standards” will “apply only” to General Assembly districts, rather than enumerating every constitutional provision at issue. This highlights the key point, that relevant constitutional standards will apply “only” to General Assembly districts and not to congressional districts, without “cloud[ing]” the matter with “undue detail.” *Ambridge*, 489 Md. at 458 (quoting *Stop Slots*, 424 Md. at 191); *see also Kelly v. Vote Know Coalition of Md., Inc.*, 331 Md. 164, 177 (1993) (holding that ballot language referring to the repeal of “certain provisions of law” was “not misleading” even though it did not enumerate the specific provisions at issue). And because the ballot language, as a whole, deals with the boundaries of districts, it is clear that the “certain standards” at issue are those dealing with district boundaries. The language identifies what is at issue (district boundaries) and the nature of the change (clarifying that some constitutional standards apply only to General Assembly districts). A voter who wants to learn what specific criteria are included in Article III, § 4 will be able to refer to the full text, published online and available from the local boards, or to the detailed summary that will be sent to them individually with their sample ballot in October. *See Elec. Law* § 7-105(a)(1).

The language explains that “the criteria” for drawing congressional district boundaries will be “applicable federal laws.” Read in context, and together with the opening phrase’s reference to state constitutional standards, the use of the exclusive term “the criteria” accurately relates to readers that federal law, and no other provision of law (including those in the state constitution), will govern federal district lines. Nor does it mislead voters to suggest that federal law will govern congressional districts. If voters adopt this constitutional amendment, congressional districts will remain subject to federal

requirements including population equality, *see Evenwel v. Abbott*, 578 U.S. 54, 59 (2016); limits on racial gerrymandering, *see Louisiana v. Callais*, 146 S. Ct. 1131, 1152 (2026); and any statutes properly passed by Congress to address the “Times, Places and Manner” of federal elections, U.S. Const. art. I, § 4, cl. 1. Because these federal standards will continue to apply to congressional districts, it would mislead voters to suggest that the amendment will leave congressional districting subject to no law at all.

Plaintiffs in both cases have nonetheless argued that Question 3 misleads by stating that the amendment to Article III, § 4 “clarifies” law rather than changes it. In making this assertion, plaintiffs have argued that the law in Maryland, under the Circuit Court for Anne Arundel County’s nonprecedential ruling in *Szeliga v. Lamone*, No. C-02-CV-21-001816, 2022 WL 2132194 (Cir. Ct. Anne Arundel, Mar. 25, 2022), is that the constitutional provision applies to congressional districting to prevent political gerrymandering. But plaintiffs have it backward. The ruling in *Szeliga* is not the law of the land and does not require a constitutional change in the law. *See* Dan Friedman and Barnett Harris, *Is Federal Congressional in Maryland Governed By Article III, § 4 of the State Constitution? An Analysis of the Trial Court Decision in Szeliga v. Lamone*, 83 Md. L. Rev. 1261, 1312 (2024). *Szeliga* was the first time that any court extended Maryland’s constitutional districting requirements regarding “legislative district[s],” Art. III, § 4, to encompass congressional districts. In two prior districting cycles, federal district courts ruled that the districting standards in the Maryland constitution did *not* apply to congressional districting. *Olson v. O’Malley*, No. WDQ-12-0240, 2012 WL 764421 (D. Md. Mar. 6, 2012); *Duckworth v. State Bd. of Elections*, 213 F. Supp. 2d 543, 552 (D. Md. 2002). If

anything, *Szeliga*’s interpretation of Article, III, § 4—which conflicted with the plain language of the constitution and multiple previous court rulings—rendered the provision’s scope newly unclear. The ballot question is therefore disclosing the purpose of the proposed amendment accurately: to “clarify” what districting requirements do, and do not, apply to congressional districting.

C. *Stop Slots* Did Not Constitutionalize the Provisions of the Election Law Article.

Both sets of plaintiffs assert that this Court in *Stop Slots* elevated Election Law §§ 7-103 and 7-105 to have constitutional force, as provisions of due process. Accordingly, plaintiffs argue that any violation of those statutes is an independent violation of constitutional due process. But plaintiffs misread *Stop Slots* and misinterpret the statutes upon which they rely.

As an initial matter, *Stop Slots* did not involve the General Assembly’s exercise of its Article XIV authority to prescribe the “form” of a ballot question. The Court in *Stop Slots* explained that the resolution of the “issue” before it was the sufficiency of ballot language drafted by the Secretary of State under the authority delegated to it by Election Laws §§ 7-103 and 7-105. 424 Md. at 172-73. The entire opinion, and any of its reliance on those statutes, was predicated on the executive branch’s exercise of statutory authority delegated to it—a point the Court emphasized no less than three times. *Id.* at 172, 172 n.16, 191-92.

Nor did *Stop Slots* hold that Election Law §§ 7-103 and 7-105 applied with constitutional force. In discussing ballot language, this Court never equated the statutory

requirements with due process. The opinion did not even mention the words “due process” in relation to ballot language. The Court cited in a footnote the five statutory requirements in Election Law § 7-103(b), *id.* at 190 n. 15, but only to say that the statute, as a whole, required “the ballot” to be “complete enough to convey” an adequate sense of the “scope and import” of the proposed amendment. *Id.* at 190-91. The Court *did not* say that the violation of any one requirement in the statute made a ballot incomplete or unconstitutional. To make that dispositive determination, the Court looked to “standards and principles enunciated” in two prior cases and found that the ballot language at issue sufficiently met those common law principles. *Id.* at 194-205.

In discussing the timeliness of notice, the Court in *Stop Slots* explained that “[w]hen the General Assembly submits an amendment to voters for approval, Due Process requires adequate notice of the referendum be provided to the electorate prior to the election.” *Id.* at 192. It then continued “[a]ccordingly,” by reviewing the timing for sending out specimen ballots under Election Law 7-105(a) and the ballot question content those ballots must include under Election Law §§ 7-103 and 7-105. *Id.* at 192-93. But the Court commented that the “crux” of adequate notice was the publication of “[t]he full text of the legislation” in a “forum that is easily accessible to an ordinary voter.” *Id.* at 193. And it did not conclude that adequate notice could only be met by meeting the statutory deadlines; rather, adequate notice depended on whether an amendment’s publication “prior to the election” enabled voters to make an intelligent choice about the proposal. *Id.*

Stop Slots, then, did not pinpoint the Election Law Article provisions as the only measure of constitutional due process, as plaintiffs have. While the statutory provisions

“implemented” the constitutional standard, 424 Md. at 189, implementation is the provision of additional details and procedures consistent with the constitutional requirements. For instance, the entire Election Law Article implements the Article III, § 49 mandate that the General Assembly regulate the “time, place, and manner of holding elections in this State.” But that does not mean that a violation of any provision in the Election Law Article equates with a violation of Article III, § 49. The statutes do not have constitutional force solely because they implement a constitutional provision.

Stop Slots cited to the statutes as elements to consider in a broader analysis. For the understandability of ballot language, that analysis is whether the ballot question conveys with “minimum reasonable clarity” the “actual scope and effect of the measure.” 489 Md. at 459, 462 (quoting *Stop Slots*, 424 Md. at 204). Adherence to the applicable statutes automatically met that standard. But any shortcoming in statutory performance was not dispositive—there was still room to meet the constitutional standard. *See Dutton v. Tawes*, 255 Md. 484 (1961) (holding that complete failure to meet statutory newspaper publication requirements was nonetheless constitutionally excusable because “the mistake in procedure” did not “mislead the electorate” or “frustrate an intelligent and full expression” of voter intent). And in this case, the ballot question has met the constitutional standard.

IV. CHAPTER 881 DOES NOT VIOLATE THE “SAME SUBJECT MATTER” REQUIREMENT.

Article XIV restricts the General Assembly to proposing only one amendment per bill and requires that each amendment be submitted for a single vote. The use of the word “amendment” in Article XIV has been held to mean “a proposal of changes in a particular

subject.” *Hillman*, 183 Md. at 653. The single vote requirement has been held to apply in the same way. *Andrews v. Governor of Md.*, 294 Md. 285, 296-97 (1982). Thus, the General Assembly is empowered by Article XIV to propose in a single bill multiple changes to the Maryland Constitution amongst multiple articles and sections and have all the changes voted on in a single vote, so long as the changes “relate” to the same subject matter. *Id.*; *Andrews*, 294 Md. at 292.

The General Assembly is “entrusted with wide discretion in proposing amendments to the Constitution.” *Andrews*, 294 Md. at 297. Unless a court can detect a “clear violation” of the subject matter requirement, it must respect “the judgment of the Legislature as to what is related and what is not related.” *Hillman*, 183 Md. at 653. A clear violation may arise when the changes proposed in an amendment both “deal with different or dissimilar subjects” and “seek to reach different objectives.” *Andrews*, 294 Md. at 296-97. No Maryland court has ever detected such a clear violation.

Courts undertake a similar, though distinct, analysis in determining whether component parts of a legislative enactment “embrace but one subject” under Article III, § 29. Critical to that analysis is the “germaneness” of the individual components within the law to one another. *Migdal v. State*, 358 Md. 308, 317 (2000). Two components may sufficiently relate to one another “because they each have a direct connection to a broader common subject to which the Act relates.” *Maryland Classified Emps.*, 346 Md. at 16. “If several sections of the law refer to and are *germane* to the same subject-matter, which is several sections of the law refer to and are described in its title, it is considered as

embracing but a single subject, and as satisfying the requirements of the Constitution in this respect.” *Baltimore v. Reitz*, 50 Md. 574, 579 (1879) (emphasis in original).

Hillman v. Stockett provides an illustration of component constitutional changes with a direct connection to a broader common subject. 183 Md. at 650. In *Hillman*, the General Assembly proposed a single amendment with four component parts: (1) changing the time of judicial elections from quadrennial election to biennial elections; (2) restructuring the Maryland judiciary, including reducing the number of judges on the Court of Appeals and establishing new appellate courts; (3) providing that the Chief Judge of the Court of Appeals was the administrative head of the judicial system; and (4) fixing the number of judges for each judicial circuit. This Court held that the four changes were properly submitted in a single proposed amendment because they all related to the same “general subject matter”: “the State judiciary.” *Hillman*, 183 Md. at 653.

The same is true of the amendment proposed in Chapter 881—all the proposed changes relate to the drawing of election districts in the State. The proposed amendment makes clear that the state constitution applies only to legislative districting for the General Assembly, while congressional districting is governed by “applicable federal law.” Article III, Section 5 already provides that “the Supreme Court of Maryland shall have original jurisdiction to review the legislative districting of the State” upon a registered voter’s petition. Recognizing that this provision would not apply to judicial review of congressional districting, the General Assembly’s proposed amendment similarly provides an avenue, through an act of the Legislature, for this Court to also review any congressional

districting under the appropriate specified standards. All three changes thus relate back to the same subject matter: the drawing of election districts.

CONCLUSION

The judgments of the Circuit Court for Anne Arundel County and the Circuit Court for Dorchester County should be reversed.

Respectfully submitted,

ANTHONY G. BROWN
Attorney General of Maryland

JULIA DOYLE
Solicitor General

DANIEL M. KOBRIN
Assistant Attorney General
Office of the Attorney General
200 Saint Paul Place, 20th Floor
Baltimore, Maryland 21202
dkobrin@oag.maryland.gov
(410) 576-6472
(410) 576-6955 (facsimile)

Attorneys for Appellants

CERTIFICATION OF WORD COUNT AND COMPLIANCE WITH RULE 8-112

1. This brief contains 12,113 words, excluding the parts of the brief exempted from the word count by Rule 8-503.
2. This brief complies with the font, spacing, and type size requirements stated in Rule 8-112.

/s/ Daniel M. Kobrin

Daniel M. Kobrin
Assistant Attorney General

TEXT OF PERTINENT PROVISIONS
(Rule 8-504(a)(10))

Constitution of Maryland

Article XIV, § 1. Proposal and Publication of Amendments.

The General Assembly may propose Amendments to this Constitution; provided that each Amendment shall be embraced in a separate bill, embodying the Article or Section, as the same will stand when amended and passed by three-fifths of all the members elected to each of the two Houses, by yeas and nays, to be entered on the Journals with the proposed Amendment. The requirement in this section that an amendment proposed by the General Assembly shall be embraced in a separate bill shall not be construed or applied to prevent the General Assembly from (1) proposing in one bill a series of amendments to the Constitution of Maryland for the general purpose of removing or correcting constitutional provisions which are obsolete, inaccurate, invalid, unconstitutional, or duplicative; or (2) embodying in a single Constitutional amendment one or more Articles of the Constitution so long as that Constitutional amendment embraces only a single subject. The bill or bills proposing amendment or amendments shall be publicized, either by publishing, by order of the Governor, in at least two newspapers, in each County, where so many may be published, and where not more than one may be published, then in that newspaper, and in three newspapers published in the City of Baltimore, once a week for four weeks, or as otherwise ordered by the Governor in a manner provided by law, immediately preceding the next ensuing general election, at which the proposed amendment or amendments shall be submitted, in a form to be prescribed by the General Assembly, to the qualified voters of the State for adoption or rejection. The votes cast for and against said proposed amendment or amendments, severally, shall be returned to the Governor, in the manner prescribed in other cases, and if it shall appear to the Governor that a majority of the votes cast at said election on said amendment or amendments, severally, were cast in favor thereof, the Governor shall, by his proclamation, declare the said amendment or amendments having received said majority of votes, to have been adopted by the people of Maryland as part of the Constitution thereof, and thenceforth said amendment or amendments shall be part of the said Constitution. If the General Assembly determines that a proposed Constitutional amendment affects only one county or the City of Baltimore, the proposed amendment shall be part of the Constitution if it receives a majority of the votes cast in the State and in the affected County or City of Baltimore, as the case may be. When two or more amendments shall be submitted to the voters of this State at the same election, they shall be so submitted as that each amendment shall be voted on separately.

**Annotated Code of Maryland, Election Law Article
(LexisNexis 2022)**

§ 7-101. Application of title.

This title applies to the following types of ballot questions:

(1) a question relating to:

(i) the creation or adoption of a new Constitution or the calling of a constitutional convention; or

(ii) an amendment pursuant to Article XIV of the Maryland Constitution;

(2) referral of an enactment of the General Assembly pursuant to Article XVI of the Maryland Constitution;

(3) a question pursuant to Article XI-A of the Maryland Constitution relating to:

(i) the creation of a charter home rule county government;

(ii) the approval of a county charter; or

(iii) the amendment of a county charter;

(4) a question relating to the creation of a code home rule county government pursuant to Article XI-F of the Maryland Constitution;

(5) a question relating to the alteration of county boundaries or the creation of a new county pursuant to Article XIII of the Maryland Constitution;

(6) a question referred to the voters pursuant to an enactment of the General Assembly;

(7) a question on an enactment of a charter county pursuant to § 9-205 of the Local Government Article or a code county pursuant to §§ 9-310 through 9-313 of the Local Government Article;

(8) a question relating to the incorporation of a new municipality pursuant to § 4-204 of the Local Government Article;

(9) a question on the issuance of a bond pursuant to § 9-934 of the Environment Article; and

(10) any other question that will be voted on in an election conducted pursuant to this article.

§ 7-102. Qualification of questions.

(a)(1) A question relating to the holding of a constitutional convention qualifies for the ballot automatically every 20 years pursuant to Article XIV, § 2 of the Maryland Constitution.

(2) A question relating to the adoption of a new or altered Constitution qualifies upon its adoption by a duly constituted convention pursuant to Article XIV, § 2 of the Maryland Constitution.

(3) An amendment to the Constitution qualifies upon its passage by the General Assembly pursuant to Article XIV, § 1 of the Maryland Constitution.

(b) A question on an act of the General Assembly pursuant to Article XVI of the Maryland Constitution qualifies upon the certification under Title 6 of this article, that the petition has satisfied all the requirements established by Article XVI.

(c)(1) A question relating to the creation of a home rule county government qualifies upon either:

(i) a determination by the appropriate local authority that the applicable petition has satisfied all the requirements established by law relating to the creation of a charter board; or

(ii) the adoption by the governing body of a county of an enactment proposing that the county become a code county.

(2) A question relating to the approval of a county charter qualifies upon the adoption of a proposed charter by a charter board pursuant to the requirements prescribed by Article XI-A of the Maryland Constitution.

(3) A question relating to the amendment of a county charter shall qualify either upon:

(i) the passage by the governing body of the county of a resolution proposing the amendment; or

(ii) a determination by the governing body of the county that a petition submitted has satisfied all the requirements established by law relating to petitions initiating charter amendments.

(d) A question relating to the creation of a new county or the alteration of county boundaries qualifies upon the enactment of the implementing public general law.

(e) A question referred to the voters as provided in an enactment of the General Assembly qualifies upon the enactment of the law calling for the question.

(f)(1) A question on an enactment by a charter county qualifies pursuant to local law and § 9-205 of the Local Government Article.

(2) A question on an enactment by a code county qualifies pursuant to local law and §§ 9-310 through 9-313 of the Local Government Article.

(g) A question relating to the incorporation of a new municipal corporation qualifies upon the determination by the county governing body that the applicable petition has satisfied all the requirements established by law for that petition.

(h) A referendum on a question of issuance of a bond pursuant to § 9-934 of the Environment Article qualifies upon submission of the question to the appropriate local board.

§ 7-103. Text of questions appearing on ballot.

(a)(1) In this section the following words have the meanings indicated.

(2) “County attorney” means:

(i) the attorney or law department established by a county charter or local law to represent the county generally, including its legislative and executive officers; or

(ii) if the county charter or local laws provide for different attorneys to represent the legislative and executive branches of county government, the attorney designated to represent the county legislative body.

(3) “Municipal attorney” means:

(i) the attorney or law department established by a municipal charter or local law to represent the municipal corporation generally, including its legislative and executive officers; or

(ii) if the municipal charter or local laws provide for different attorneys to represent the legislative and executive branches of municipal government, the attorney designated to represent the municipal legislative body.

(b) Each question shall appear on the ballot containing the following information:

(1) a question number or letter as determined under subsection (d) of this section;

(2) a brief designation of the type or source of the question;

(3) a brief title in boldface type that describes the topic, goal, or outcome of the ballot question;

(4) a condensed statement describing the change in policy to be adopted in plain and clear language that:

(i) a voter can easily understand;

(ii) does not explain the legal mechanism providing for the policy change; and

(iii) does not contain legal jargon or use double negatives or the passive voice;

(5) the voting choices that the voter has; and

(6) a brief statement explaining what the practical outcome of each voting choice would be.

(c)(1) On or before July 1 immediately preceding a general election, the Secretary of State shall prepare and certify to the State Board the information required under subsection (b) of this section, for all statewide ballot questions and all questions relating to an enactment of the General Assembly which is petitioned to referendum.

(2) On or before July 1 immediately preceding a general election, the State Board shall prepare and certify to the appropriate local board the information required under subsection (b) of this section for all questions that have been referred to the voters of one county or part of one county pursuant to an enactment of the General Assembly.

(3)(i) On or before July 1 immediately preceding a general election, the county attorney of the appropriate county shall prepare and certify to the State Board the information required under subsection (b) of this section for each question to be voted on in a single county or part of a county, except a question covered by paragraph (1) or paragraph (2) of this subsection.

(ii) If the information required under subsection (b) of this section has not been timely certified under subparagraph (i) of this paragraph, the clerk of the circuit court for the jurisdiction shall prepare and certify that information to the State Board not later than the first Friday in August.

(4)(i) On or before July 1 immediately preceding a general election, the municipal attorney of the appropriate municipal corporation shall prepare and certify to the State Board the information required under subsection (b) of this section for each question to be voted on in the municipal corporation, except a question covered by paragraphs (1) through (3) of this subsection.

(ii) If the information required under subsection (b) of this section has not been timely certified under subparagraph (i) of this paragraph, the clerk of the circuit court for the county in which the municipal corporation is located shall prepare and certify that information to the State Board not later than the first Friday in August.

(5)(i) The State Board shall make the information submitted in accordance with this subsection available to the public for a 15-day comment period.

(ii) On or before the fourth day immediately following the end of the comment period required under subparagraph (i) of this paragraph, the person required to prepare a question under paragraph (1), (2), (3), or (4) of this subsection shall:

1. review the comments received during the comment period and make any necessary changes to the question; and

2. submit the certified plain text of the question to the State Board for publication on its website under § 9-207 of this article.

(6) The information required under subsection (b) of this section for a question that is being placed on the ballot by petition may be prepared before the petition is certified under § 6-208 of this article.

(d)(1) Each statewide question and each question relating to an enactment of the General Assembly which is petitioned to referendum shall be assigned a numerical identifier in the following order:

(i) by years of sessions of the General Assembly at which enacted; and

(ii) for each such session, by chapter numbers of the Session Laws of that session.

(2) A question that has been referred to the voters of one county or part of one county pursuant to an enactment of the General Assembly shall be assigned an alphabetical identifier in an order established by the State Board.

(3) Questions certified under subsection (c)(3)(i) or (ii) or (c)(4)(i) or (ii) of this section shall be assigned an alphabetical or alphanumeric identifier in an order established by the certifying authority in consultation with the State Board to prevent duplication or confusion, consistent with and following the questions certified by the State Board.

§ 7-105. Notice of questions by specimen ballot or publication.

(a) A local board shall provide notice of each question to be submitted statewide and each question to be submitted to the voters of the county, by:

(1) specimen ballot mailed at least 1 week before any early voting period before the general election; or

(2) publication or dissemination by mass communication during the 3 weeks immediately preceding the general election at which a question will appear on the ballot.

(b)(1) For any question submitted under Article XIV or Article XVI of the Maryland Constitution, the notice required by subsection (a) of this section shall contain the information specified in § 7-103(b) of this title and a brief statement, prepared in clear and concise language, devoid of technical and legal terms to the extent practicable, summarizing the question.

(2) The statement required under paragraph (1) of this subsection shall be:

(i) prepared by the Department of Legislative Services;

(ii) approved by the Attorney General; and

(iii) submitted to the State Board by the first Monday in August.

(3) The statement required under paragraph (1) of this subsection is sufficient if it is:

(i) contained in an enactment by the General Assembly, and the enactment clearly specifies that the statement is to be used on the ballot; or

(ii) consistent with some other process mandated by the Maryland Constitution.

(c) The State Board shall adopt regulations governing notice of questions to appear on the ballot, including the use and content of specimen ballots and the publication or dissemination of notice by mass communication.

(d)(1) The complete text of a question shall be posted or available for public inspection in the office of the State Board and each applicable local board for 65 days prior to the general election.

(2) Copies of the complete text of all statewide questions shall be furnished by the State Board to the local boards in quantities as determined by the State Board, including quantities sufficient to provide one copy of each for posting in each polling place and in each local board office.

(3) An individual may receive without charge a copy of the complete text of all constitutional amendments and questions from a local board, either in person, by mail, or electronically.

(e) The State Board and each applicable local board shall post in a manner widely accessible to the public for at least 90 days before the general election:

(1) the complete text of:

(i) for a question relating to the creation or adoption of a new Constitution, the proposed Constitution;

(ii) for an amendment under Article XIV of the Maryland Constitution, the proposed amendment to the Maryland Constitution;

(iii) for an enactment of the General Assembly referred in accordance with Article XVI of the Maryland Constitution, the enactment;

(iv) for a proposed county charter or amendment to a county charter under Article XI-A of the Maryland Constitution:

1. the proposed charter; or

2. the proposed amendment to a county charter;

(v) for an enactment of the General Assembly referring a question to the voters, the enactment; and

(vi) for a charter county enactment in accordance with § 9-205 of the Local Government Article or a code county enactment in accordance with §§ 9-310 through 9-313 of the Local Government Article, the proposed enactment; and

(2) for each question posted under item (1)(ii), (iii), (iv), (v), or (vi) of this subsection, a link to the General Assembly or county webpage for the applicable legislation

§ 12-202. Judicial challenges.

(a) If no other timely and adequate remedy is provided by this article, a registered voter may seek judicial relief from any act or omission relating to an election, whether or not the election has been held, on the grounds that the act or omission:

(1) is inconsistent with this article or other law applicable to the elections process; and

(2) may change or has changed the outcome of the election.

(b) A registered voter may seek judicial relief under this section in the appropriate circuit court within the earlier of:

(1) 10 days after the act or omission or the date the act or omission became known to the petitioner; or

(2) 7 days after the election results are certified, unless the election was a gubernatorial primary or special primary election, in which case 3 days after the election results are certified.

§ 12-203. Procedure.

(a) 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 Supreme Court of Maryland within 5 days of the date of the decision of the circuit court.

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

MARYLAND STATE BOARD OF	*	IN THE
ELECTIONS, <i>et al.</i> ,		
<i>Appellants,</i>	*	SUPREME COURT
	*	OF MARYLAND
v.		
MICHAEL L. HOWELL, <i>et al.</i> ,	*	September Term, 2026
<i>Appellees.</i>	*	Nos. 21, 22

* * * * *

CERTIFICATE OF SERVICE

I certify that, on this 28th day of August, 2026, the Brief of Appellant in the captioned case was filed electronically and served electronically by the MDEC system on all persons entitled to service.

/s/ Daniel M. Kobrin

Daniel M. Kobrin
Assistant Attorney General