

IN THE MATTER OF * **IN THE**
2022 LEGISLATIVE * **COURT OF APPEALS**
DISTRICTING OF THE STATE * **OF MARYLAND**
* **MISC. NOS. 21, 24, 25, 26, AND 27**
* **SEPTEMBER TERM, 2021**

**TO THE HONORABLE JUDGES OF THE
COURT OF APPEALS OF MARYLAND
REPORT OF THE SPECIAL MAGISTRATE**

INTRODUCTION

The mandated procedure for adjusting the boundaries of the State’s 47 General Assembly Districts following a decennial national census is set forth in Article III, § 5 of the Maryland Constitution. That effort is required principally to take account of population shifts that occurred in the State since the national census occurring ten years earlier, to assure that the districts remain reasonably equal in population and continue to comply with other Constitutional requirements. Much of the relevant information pertaining to the 2022 redistricting has been stipulated by the parties. For the convenience of the Court, this Report will summarize some of it but attach the text of the more significant stipulations as Appendices to this Report so the Court and the Public will have a full account of the relevant facts.

Demographics

The 2020 census revealed the population of Maryland to be 6,177,224 people. Under State law, however, the population count for redistricting purposes does not include inmates who, at the time of the census, were incarcerated in State or Federal correctional facilities but who were not residents of Maryland prior to their incarceration. *See* Md. Code, State Gov't Article, § 2-2A-01 and Election Article, § 8-701 (often referred to as the No Representation Without Population Act). Deducting those individuals, the adjusted population for redistricting purposes is 6,175,403. That would make the population of an “ideal” Senatorial District 131,391, of an “ideal” two-member House District 87,594, and of an “ideal” one-member House District 43,797. *See Stipulations of Fact* (Joint Exhibit 1) Exhibit G at 4, 5, and 6 (APPENDIX 1).

The change in population was not even throughout the State. A chart prepared by the State Department of Planning from the census data, entered into evidence as Joint Exhibit I to Stipulations agreed to by the parties in Misc. 21, 24, 25, and 26, showed:

- The six subdivisions in the Baltimore region (five counties and Baltimore City) ranged from a gain of 15.8% (45,232 people) for Howard County to a loss of 5.7% (35,253 people) for Baltimore City.
- The three counties in the suburban Washington region showed gains ranging from 16.4% (38,332 people) for Frederick County to 9.3% (90,284 people) for Montgomery County.

- The three Southern Maryland counties showed gains ranging from 13.7% (20,066 people) for Charles County to 4.6% (4,046 people) for Calvert County.
- The three counties in the Western Maryland region ranged from a gain of 4.9% (7,275 people) for Washington County to a loss of 9.3% (6,981 people) for Allegany County.
- The five counties in the Upper Eastern Shore ranged from a gain of 2.6% (2,617 people) for Cecil County to a loss of 4.9% (999 people) for Kent County.
- The four counties in the Lower Eastern Shore region ranged from a gain of 4.9% (4,855 people) for Wicomico County to a loss of 7% (1,850 people) for Somerset County.

See Stipulations of Fact (Joint Exhibit 1) Exhibit I (APPENDIX 1).

From the census data, the Department of Planning prepared a chart of the number of “ideal” Senate Districts that each county could support:

Garrett	0.22	Allegany	0.50	Washington	1.15
Frederick	2.07	Montgomery	8.09	Howard	2.53
Carroll	1.31	Baltimore	6.52	Harford	1.99
Balt. City	4.49	Anne Arun.	4.46	Pr. George’s	7.37
Charles	1.27	Calvert	0.71	St. Mary’s	0.87
Cecil	0.79	Kent	0.15	Qu. Anne’s	0.38
Caroline	0.25	Talbot	0.29	Dorchester	0.25
Wicomico	0.79	Somerset	0.17	Worcester	0.40

Measurement of Compactness

One of the major areas of dispute in these cases deals with the requirement in Article III, § 4 of the Maryland Constitution that legislative districts be “compact in form.” Until the current redistricting, compactness in Maryland was judged largely by looking at the shape of the district. Compactness was not an issue, and was mentioned only in passing, in the 2012 redistricting case. *See 2012 Legislative Districting*, 436 Md. 121 (2013). It was an issue in the 1982 and 2002 redistricting cases, but all the Court said about it was that it viewed compactness, as other courts had, as “a requirement for a close union of territory (conducive to constituent-representative communication), rather than as a requirement which is dependent upon a district being of any particular shape or size.” *In re Legislative Districting*, 299 Md. 658, 688 (1984); *Matter of Legislative Districting*, 370 Md. 312, 361 (2002). Indeed, in the 1982 case, the Court noted a Rhode Island redistricting case observing that the term “compact” in that State’s redistricting law had no precise meaning.

That is no longer the case. Compactness has become a central issue in redistricting because the lack of it is regarded as evidence of impermissible gerrymandering, which itself has become much more of a central **legal** (not just political) issue in redistricting. With that new significance has come a bevy of experts, mostly from academia, with varying ways of statistically measuring compactness that have been accepted by the courts in redistricting cases. The predominant ones are the Reock, Polsby-Popper, and Schwartzberg tests, but there are others as well. They are expressed as mathematic formulas.

In layman's terms, the Reock score is the ratio of the **area** of the legislative district to the **area** of a circle that encompasses the district, known as the minimum bounding circle. The score is between 0 and 1, with a higher score demonstrating a more compact district. In this measurement, a circle represents a fully compact district. That method was named after Ernest C. Reock, Jr., *Measuring Compactness as a Requirement of Legislative Apportionment*, 5 *Midwest J. Pol. Sci.* 70 (1961). Professor Reock was the former Director of Rutgers University's Center for Government Services.

The Polsby-Popper score is the ratio of the **area** of the legislative district to the **area** of a circle with the same circumference, or perimeter, as the subject district. A Polsby-Popper score also ranges between 0 and 1, with more compact districts receiving higher scores. A low Polsby-Popper score suggests that a district has been drawn with tendrils, arms, or inlets. That test was created by Donald D. Polsby and Robert Popper. *See The Third Criterion: Compactness as a Procedural Safeguard Against Partisan Gerrymandering*, 9 *Yale L. & Pol'y Rev.* 301 (1991). Mr. Polsby was a former professor of law at Northwestern University and more recently at George Mason University. Mr. Popper is currently a senior attorney for Judicial Watch. He formerly served in the Civil Rights Division of the U.S. Department of Justice.

The Schwartzberg score is the ratio of the **perimeter** of the legislative district to the circumference or **perimeter** of a circle with the same area as the district. It is the product of Joseph Schwartzberg, formerly the Distinguished International Professor Emeritus at the University of Minnesota who taught as well at the University of Pennsylvania.

One of the experts in this case relied on the Convex Hull score, which he said was similar to the Reock score but uses a polygon instead of a circle to enclose the district.

The Process

In relevant part, Article III, § 5 requires the Governor to prepare a Plan setting forth the boundaries of the 47 districts and to present that Plan to the President of the Senate and the Speaker of the House of Delegates not later than the first day of the regular session of the General Assembly in the second year following the most recent census. The Plan must conform to the requirements in Article III, §§ 2, 3, and 4 of the Constitution. Those sections require, among other things, that (1) there be 47 legislative districts, from each of which there shall be elected one Senator and three Delegates (Art. III, §§ 2 and 3); and (2) each district shall consist of adjoining territory, be compact in form, be of substantially equal population, and that due regard be given to natural boundaries and the boundaries of political subdivisions (Art. III, § 4).

The Senate President and the Speaker must introduce the Governor's Plan as a Joint Resolution in their respective Houses not later than the first day of that session. If the General Assembly fails, by its own Resolution, to adopt an alternative districting plan by the 45th day after the opening of that legislative session, the Governor's Plan becomes law.

Development of the 2022 Redistricting Plan

On January 12, 2021, Governor Larry Hogan, a Republican, signed Executive Order No. 01.01.2021.02 that created the Maryland Citizens Redistricting Commission (MCRC). The Commission consisted of nine members, three of whom were appointed directly by the Governor and six were appointed by the Governor through a "public application process." In the first group were one person registered with the Democratic Party, one registered with the Republican Party, and one not registered with either of those parties. In the second group were to be two persons registered with the Democratic Party, two registered with the Republican Party, and two not registered with either of those parties. No appointee was to be (1) a member of or a candidate for the General Assembly or Congress, (2) an employee or officer of a political party or committee, (3) a member of the staff of the Governor, the General Assembly, or Congress, or (4) a current registered lobbyist.

The Executive Order stated that the selection of members was intended to produce a Commission that was independent from legislative influence, impartial, and reasonably representative of the State's diversity and geographical, racial, and gender makeup. It directed that the plan take no account of how individuals were registered to vote in the past, what political party they belonged to, or their domicile or residence.

The principal duty of the Commission was to prepare one plan for Maryland's General Assembly (State Legislative) districts and a separate plan for the State's Congressional districts, both of which were to comply with applicable State and Federal

Constitutional requirements, be geographically compact, and include nearby areas of population, to the extent possible. Time was somewhat constricted. The final census data, which usually arrives in the spring, did not arrive until the summer of 2021.

On August 12, 2021, the State Department of Planning released the Maryland-specific census data. It showed a 7% percent increase in the State's population (403,672) since the 2010 census, but, as noted above, the increase was uneven. The Westernmost counties (Garrett and Allegany Counties) had lost over 8,000 people; Frederick County gained 38,332; Montgomery County gained more than 90,000; Prince George's County gained nearly 104,000; Anne Arundel gained over 50,000; Baltimore County gained almost 50,000, but Baltimore City lost over 35,000.

MCRC conducted three rounds of virtual meetings. The first, conducted between June 9 and July 28, 2021, involved eight regional meetings at which 163 people testified. The second involved four Statewide virtual meetings from September 9 to September 20, 2021, at which 21 people testified. The third included four evening meetings between October 6 and October 27, at which 46 people testified. *See Final Report of the Maryland Citizens Redistricting Commission* at 11-12 (Jan. 2022) (APPENDIX 2).

The Commission presented its Plans to the Governor on November 5, 2021, which was followed by an explanatory Report in January 2022. Accompanying that Report, as an addendum, was testimony submitted to the General Assembly by Nathaniel Persily, a Professor at the Stanford University Law School who had acted as a consultant to MCRC during the Legislature's special session in December 2021.

On January 12, 2022, which was the first day of the General Assembly's regular 2022 session, the Governor formally transmitted the MCRC Plan to the President of the State Senate and the Speaker of the House of Delegates, in accordance with Article III, § 5 of the Constitution. In further accord with that section of the Constitution, the President and Speaker introduced the Plan in their respective Houses as Senate Joint Resolution No. 3 and House Joint Resolution No. 1.

Those Resolutions were referred to the appropriate legislative committees but were never acted on by those committees. Instead, in July 2021, the President of the Senate and the Speaker of the House of Delegates created a joint Legislative Redistricting Advisory Commission (LRAC) and charged *that* Commission with preparing new legislative and Congressional districting plans. That Commission consisted of the Senate President (a Democrat), two other Senators selected by the Senate President, one a Democrat and one a Republican, the Speaker (a Democrat), and two other Delegates selected by the Speaker, one a Democrat and one a Republican. The Commission thus had four Democrats and two Republicans. Karl S. Aro, who had previously served as Executive Director of the Department of Legislative Services and had participated in the 2012 legislative redistricting, was appointed by the Senate President and the Speaker to serve as Chair of LRAC.

LRAC held 16 remote meetings at which testimony was taken and written submissions were received – one in August 2021; three in September 2021; four

in October 2021; six in November 2021; one in December 2021; and a final one on January 7, 2022.

On January 7, 2022, LRAC, by a majority vote of the Democratic members, approved a plan that completely redrew the legislative district lines recommended by the Governor. Five days later, on January 12, that plan was submitted to the General Assembly as Senate Joint Resolution No. 2 and House Joint Resolution No. 2. Two weeks later, on January 27, 2022, that Plan was enacted and became law. All 32 Democratic members of the Senate and 95 of the 96 Democratic members of the House voted for the plan. All 14 Republican members of the Senate and all 42 Republican members of the House voted against it.

Anticipating that challenges would be filed to the Legislative Plan, as had occurred with the Plans adopted following the four preceding decennial censuses, the Attorney General of Maryland, on January 28, 2022, requested the Court of Appeals to promulgate procedures to govern all actions brought under Article III, § 5. On January 28, 2022, the Court granted that motion and set forth (1) procedures and deadlines for the filing of petitions and alternative plans, and (2) deadlines and procedures for the filing of responses to such petitions and alternative plans.

In that regard, the Order directed that "any registered voter of the State who contends that the 2022 legislative districting plan, or any part thereof, is invalid shall file a petition, on or before Thursday, February 10, 2022 at 4:30 p.m., with the Clerk of this Court and serve it on the Attorney General of Maryland in accordance with Maryland Rules 2-124 and 20-205." The Order further directed that the petitions set forth "the

particular part or parts of the plan claimed to be unconstitutional under the Constitution of the United States of America, Constitution of Maryland, or federal law; the factual and legal basis for such claims; and the particular relief requested, including any alternative district configuration suggested or requested by the petitioner(s)."

The Order also appointed the undersigned as a Special Magistrate to hold hearings on petitions and responses and to prepare and file with the Court a Report of the Special Magistrate's findings and recommendations regarding them. The Order specifically directed that the undersigned conduct a scheduling conference, by remote means, on February 17, 2022 with all persons who chose to file petitions challenging the Legislative Plan. Public notice of that meeting was posted on the Judiciary website on February 7, 2022.

Within the time allowed by the Court's Order, four petitions were filed: No. 24 by David Whitney on February 9, 2022; No. 25 by Mark N. Fisher, Nicholaus R. Kipke, and Kathryn Szeliga on February 10; No. 26 by Brenda Thiam, Wayne Hartman, and Patricia Shoemaker, also on February 10; and No. 27 by Seth E. Wilson on February 10. Also, within the time allotted, the Attorney General filed motions to dismiss those petitions for various reasons.

The scheduling conference was held remotely on February 17, 2022. All petitioners and the Attorney General's Office participated, either in person or by counsel. Deadlines were set for a good faith exchange of discovery or notice of a dispute that may require a ruling by the Special Magistrate, as well as for a hearing on the merits to commence on March 23, 2022.

Despite a good faith effort, a discovery dispute did arise between the petitioners in No. 25 and the Attorney General's Office that later came to involve the petitioners in No. 26 as well. The dispute concerned requests by the petitioners for information regarding the development of the LRAC plan that the Attorney General insisted was subject to the legislative privilege and could not be disclosed. A remote hearing was conducted by the Special Magistrate on March 10, 2022, following which, on March 11, the Special Magistrate entered an Order holding that the information sought was protected by legislative privilege and therefore denied the discovery requests. *See Amended Order of Special Magistrate Regarding Discovery*, filed March 11, 2022.

In their comprehensive Stipulations of Fact filed on March 23, 2022, the parties in Nos. 24, 25, and 26 have agreed that Exhibits K-1 through K-17 are true and correct copies of maps of Districts 2A, 2B, 7A, 7B, 9A, 9B, 11A, 11B, 12A, 12B, 21, 22, 23, 24, 25, 26, 27A, 27B, 27C, 30A, 30B, 31, 33A, 33B, 33C, 42A, 42B, 42C, 47A, and 47B of the Plan and that higher resolution versions of those maps are available on the Department of Planning website. *See* APPENDIX 1.

MISC. NO. 24

On February 9, 2022, David Whitney filed a petition alleging that the proposed "Legislative district" in which he lived, which he did not identify but clearly appeared to be one district, ran from "deep into the Western shore from Laurel eastward, snaking up to Pasadena," then "sweeps the whole Broadneck Peninsula and finally across the Bay Bridge to the entire Eastern Shore." His complaint was that the district did not give

due regard to natural boundaries (*i.e.*, the Chesapeake Bay), did not consist of adjoining territory, and was not compact in form. His petition included a map purporting to illustrate the district he was challenging.

The Attorney General filed a timely motion to dismiss Mr. Whitney's petition on several grounds, including that the district he was describing appeared to be a Congressional district, not a General Assembly district, and that his petition did not belong in this case.

During the scheduling conference conducted on February 17, 2022, Mr. Whitney was questioned about the identity of the district he had challenged, and he responded that he was challenging several General Assembly districts. Although that appeared to be facially inconsistent with the text of his petition, including the map that was part of it, and unaware of any General Assembly district that had the configuration he described, the Special Magistrate directed him to amend his petition to specify the district(s) he was challenging.

The next day, on February 18, 2022, Mr. Whitney filed a new petition challenging his home legislative District 33, which he claimed was "chopped into three subdistricts for no apparent reason other than it would prove more favorable to one party rather than the other." He charged as well that due regard had not been given to the boundaries of Districts 11, 21, 22, 23, 24, 25, 26, 27B, and 30A, all of which, like District 33, are entirely on the Western Shore and do not cross over the Chesapeake Bay. He asked that the Legislative Plan be rejected and that the Governor's Plan be adopted.

The Attorney General responded on February 22, 2022 with a renewed motion to dismiss the new petition on several grounds, including that it was, in fact, an entirely new claim challenging not one district that crossed the Bay but ten that did not. Although acknowledging, based on *Nam v. Montgomery Cty.*, 127 Md. App. 172, 186 (1999) and *Smith v. Gehring*, 64 Md. App. 359, 364 (1985), that an amended complaint filed after the deadline for filing the original complaint has expired will relate back “if the factual situation remains essentially the same after the amendment as it was before it,” but where the amendment “relies on operative facts distinct from those involved in supporting [the] claims contained in the original pleading” the amended complaint does not relate back, citing *Priddy v. Jones*, 81 Md. App. 164, 170 (1989).

The Attorney General argued, based on *Priddy*, that Mr. Whitney’s second petition should be dismissed because it stated entirely new claims based on wholly distinct allegations of fact and could not be deemed to relate back to the original filing.

The Special Magistrate finds merit in the Attorney General's reasoning. The new claims bear no relationship whatever to the initial complaint. This Court, in its initial Order, stated unequivocally that “[a]ny registered voter of the State who contends that the 2022 legislative districting plan, or any part thereof, is invalid shall file a petition, **on or before Thursday, February 10, 2022 at 4:30 p.m.**, with the Clerk of this Court ...” (Emphasis added). Mr. Whitney clearly was aware of that deadline because he did file a claim, albeit one that he later abandoned, on February 9. He claims that his mistake in relying on the wrong map was due to the difficulty he had finding the correct one.

The Special Magistrate recommends that Misc. No. 24 be denied. The initial claim not only has no substantive merit and never did, but in any event has effectively been abandoned. Even assuming that the initial claim was intended to apply to an undisclosed General Assembly district rather than a Congressional district, there is no General Assembly district that crosses the Bay, as that claim alleged was the problem, and none is now alleged. The initial claim in No. 24 has effectively been abandoned by Mr. Whitney, precisely because it has no merit. He disavows the map attached to that petition; he disavows the allegation that any of the districts he now challenges or challenged in his first petition cross the Chesapeake Bay, which was the heart of the initial petition. The entire thrust of his first petition has been abandoned, and his second petition is late, beyond the deadline set by this Court.

The Special Magistrate recommends that the two petitions filed in No. 24 be **DENIED.**

MISC. NO. 27

On February 10, 2022, Seth E. Wilson, a registered voter in Washington County acting *pro se*, filed a petition challenging District 2A, a Delegate district located primarily in Washington County but that extends as well into Frederick County. A supplemental petition was filed on February 15, 2022. Mr. Wilson complains that District 2A was created as a two-member Delegate district in the 2012 redistricting for purely political reasons but at least was located at that time entirely within Washington County. His complaint is that part of it was moved to Frederick County.

The evidence showed that Washington County did have sufficient population to sustain a Senate District entirely within its borders. *See* p. 3 of this Report. The first call on part of that population, however, is what is necessary to cover the deficit in Allegany and Garrett Counties, based on the principle of assuring population equality by moving from the boundaries of the State to the middle, which, in this situation, means from west to east.¹ Based on the 2020 census, Garrett County had a census population of 28,806. Allegany County had a census population of 68,106. The combined population was 96,912. In order to create an “ideal” Senate district of 131,391, an additional 34,479 people were needed, and, under the “west to east” policy, they would need to come from Washington County, the nearest adjoining county to the east. That would create a deficit in Washington County.

In further conformance with the “west to east” policy, the plan adopted by the General Assembly moved part of that district – a Delegate district – to Frederick County. Mr. Wilson contends that it is possible to create two single-member Delegate districts entirely within Washington County, as was done in 2012. He appears to recognize that the configuration chosen this time was the result of applying the No Representation Without Population Act (not counting inmates who were not Maryland residents prior to their incarceration) but argues that application of that statute is unconstitutional when it

¹ That policy is at least pragmatic and likely necessary. Beginning with the interior of the State and moving outward can lead to a situation in which, when one reaches near the boundaries, there is an excess of unassigned population and nowhere to put it or a deficit in population and nowhere to get the people to correct it.

leads to crossing county lines. He asks that the statute be declared null and void and that the persons excluded by it be added back to the population of Washington County. The underlying thrust of Mr. Wilson’s complaint is his aversion to multi-member House Districts, which he believes violates the due process clause of the 14th Amendment.

Both the wisdom and the validity of multi-member districts have been the subject of debate for many years. The Supreme Court took account of that in *Reynolds v. Sims*, 377 U.S. 533, 577-79 (1964) in three brief sentences. In discussing bicameralism, the Court observed that “[o]ne body could be composed of single-member districts while the other could have at least some multimember districts.” That was followed two pages later by:

“Single-member districts may be the rule in one State, while another State might desire to achieve some flexibility by creating multimember or flatorial districts. Whatever the means of accomplishment, the overriding objective must be substantial equality of population among the various districts, so that the vote of any citizen is approximately equal in weight to that of any other citizen in the State.”

See also Burns v. Richardson, 384 U.S. 73 (1966); *Fortson v. Dorsey*, 379 U.S. 433 (1965); *Thornburg v. Gingles*, 478 U.S. 30 (1986); *Legislative Redistricting*, 331 Md. 574, 602-09 (1993); *2012 Legislative Districting*, 436 Md. 121 (2013). As the Attorney General pointed out, this Court itself used a mix of single-member and multi-member districts in the Plan it created in 2002. *See Matter of Legislative Districting*, 369 Md. 601, 603 (2002).

Subject to any supervening Federal requirements, the use of both single and multi-member districts is governed by Article III, § 3 of the Maryland Constitution:

“Each legislative district shall contain one (1) Senator and three (3) Delegates. Nothing herein shall prohibit the subdivision of any one or more of the legislative districts for the purpose of electing members of the House of Delegates into three (3) single-member delegate districts or one (1) single-member delegate and one (1) multi-member delegate district.”

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

Mr. Wilson contends that what he regards as “optional” adjustments to population should not be made to defeat Constitutional challenges and that there should have been no deduction for non-voting prisoners. The Attorney General’s response is that Article III, §§ 3, 4, and 5 do not preclude the General Assembly from enacting statutes such as the No Representation Without Population Act. A claim similar to Mr. Wilson’s was made and rejected by the Supreme Court in *Fletcher v. Lamone*, 831 F. Supp. 2d. 887 (D.Md. 2011), *aff’d* 567 U.S. 930 (2012) (holding that the population adjustment permitted under the Act was consistent with Census Bureau policy and other applicable Federal Law).

The Special Magistrate recommends that Petition No. 27 be **DENIED**.

MISC. NO. 25

On February 10, 2022, Mark Fisher, Nicholas Kipke, and Kathryn Szeliga filed their petition challenging the entire Plan but identifying in particular Districts 7, 9, 12, 21, 22, 23, 24, 25, 27, 31, 33, 42, and 47. The following averments are part of their petition and are available on the Court’s website. They allege the Enacted Plan violates:

A. GENERALLY

1. Article III, § 4 of the Maryland Constitution because they are not contiguous or compact and do not give due regard to natural boundaries and political subdivisions;
2. Articles 7, 24, and 40 of the Maryland Declaration of Rights by infringing on Marylanders' rights to free elections, freedom of speech, and equal protection; and
3. Article I, § 7 of Maryland's Constitution by contradicting the General Assembly's obligation to pass laws ensuring the purity of elections.

B. DISTRICT 12

1. District 12 violates Article III, § 4 because it is not compact. The district fails the eye test, stretching from southcentral Howard County and ending in Anne Arundel County. It has a Reock score of 0.14 and a Polsby-Popper score of 0.11, which are low scores indicating non-compactness.
2. It fails to give due regard for political subdivisions by crossing from Howard County into Anne Arundel County and by dividing the towns of Columbia, Elkridge, Linthicum, and Ferndale.
3. *On information and belief*, the district was designed to protect an incumbent Democratic Delegate and to guarantee the election of a Democratic Senator.

C. DISTRICT 21

1. District 21 violates the requirement of compactness given its odd shape, like a boomerang, and with a low Reock score of 0.29 and a Polsby-Popper score of 0.13.
2. It fails to give due regard to political subdivisions because it crosses county lines, being divided between Prince George's and Anne Arundel County and divides the towns of Crofton, Odenton, Fort Meade, Maryland City, Adelphi, Hillandale, Calverton, and Langley Park.
3. *On information and belief*, all of this was done for the political purpose of removing Republicans from what was formerly District 33 and placing them in District 12, which is heavily Democratic, for the purpose of diluting Republican votes in District 33 and flipping that district to Democratic control.

D. DISTRICT 31

1. District 31 violates Article III, § 4 because it is not geographically compact. Its Polsby-Popper score is 0.26.
2. It divides the towns of Severn, Gambrills, Odenton, and Severna Park.
3. *On information and belief*, it was designed to pack Republican voters into a single legislative district to dilute Republican votes in District 33 and endanger an incumbent Republican legislator.

E. DISTRICT 33

1. District 33 violates Article III, § 4 because it is not compact. It has a Reock score of 0.34 and a Polsby-Popper score of 0.14.
2. It divides the towns of Crofton, Odenton, Severna Park, and Arnold.
3. *On information and belief*, it is an intentional gerrymander designed to dilute Republican voters and make District 33 a majority Democratic district.

F. DISTRICT 27

1. District 27 gives no regard to the boundaries of political subdivisions. It crosses the borders of Calvert, Charles, and Prince George's Counties and divides the towns of Accokeek, Clinton, Rosaryville, Croom, Waldorf, and Hughesville.
2. It gives no regard for natural boundaries and does not consist of adjoining territory by crossing a stretch of the Patuxent River at a point where there is no bridge, to combine Calvert, Charles, and Prince George's Counties. A resident of House District 27B in Calvert County would have to drive 35-40 minutes to visit a resident of House District 27B in Prince George's County or find a bridge in another district.
3. *On information and belief*, this district is an example of political gerrymandering. It isolates Republican voters to protect a Democratic Senator and two Democratic Delegates.

G. DISTRICT 7

1. District 7 is not compact. It stretches from Seneca Park and the Chesapeake Bay in the southeast to Pennsylvania in the north, without any direct way to travel from one end of the district to the other.
2. It scores poorly on the Reock (0.24) and the Polsby-Popper (0.19) tests. The House Districts also have low scores. District 7A scores are: Reock 0.36 and Polsby-Popper 0.25. District 7B scores are: Reock 0.19 and Polsby-Popper 0.20.
3. It fails to give due regard to political boundaries because it is split between Baltimore and Harford Counties.
4. *On information and belief*, District 7 is intentionally comprised of a disproportionate number of Republican voters to enable Democratic candidates to prevail in District 8.

H. DISTRICT 42

1. The district is not compact. It stretches from Hampton in the southeast to the Pennsylvania border then crosses into Carroll County. It has a Reock score of 0.46 and a Polsby-Popper score of 0.18. Two of the House districts scores are low (Reock 0.23 and 0.36 and Polsby-Popper 0.13 and 0.18).
2. The district does not give due regard to political subdivisions. It is split between Baltimore and Carroll Counties and divides the towns of Cockeysville, Timonium, Lutherville, Hampton, and Towson.

3. *On information and belief*, the district appears to have been created to favor a Democratic Delegate.

I. DISTRICT 9

1. The District is not compact. It stretches from Columbia/Ellicott City in the east to Clarksburg in the west, with Reock and Polsby-Popper scores of 0.26 and 0.23, respectively.
2. It fails to give due regard to political subdivisions because it is split between Howard and Montgomery Counties and it divides the towns of Ellicott City, Columbia, Highland, Damascus, and Clarksburg.
3. *On information and belief*, the District was created to remove Republican-leaning voters in southern Carroll County and replace them with Democratic-leaning voters in northern Montgomery County to ensure the election of a Democratic Senator. That violated Article III, § 4 because political interests were placed above Constitutional requirements.

J. DISTRICTS 22, 23, 24, 25, and 47

1. Given their Polsby-Popper scores, those districts are not compact.
2. They divide numerous towns.
3. *On information and belief*, they were crafted with “political interests,” subordinating the Constitutional requirements of Article III, § 4.

The Attorney General’s initial response to those allegations was:

1. As to compactness, in 18 of the 21 districts and subdistricts challenged by petitioners, the Polsby-Popper scores were better than the minimum Polsby-Popper scores for districts in the Governor's plan preferred by petitioners. Similarly, for the Reock scores: 20 of the 21 challenged districts and subdistricts had higher scores than the minimum Reock scores in the Governor's Plan. *See* Attorney General's Motion to Dismiss Petition No. 25, at 15-16, Tables 1 and 2 and Attorney General's Exhibit X, Table 20 (Reock Compactness Scores Challenged State Plan Districts Versus Minimum Governor's Plan Districts).
2. As to respect for political boundaries, the towns that petitioners allege were unlawfully split did not constitute political subdivisions for purposes of Article III, § 4, and the LRAC Plan had precisely the same number of county crossings as the Governor's Plan (34).
3. With respect to county crossings, the Attorney General set forth the reasons for each one, all being due to the need to take excess population from the Districts that had them to fill gaps in Districts that needed them, to comply with the supervening Federal requirement that the disparity among districts could not exceed 10%.
4. Neither Article 7 of the Md. Declaration of Rights nor Art. I, § 7 of the Maryland Constitution were ever intended to regulate the mechanics of administering elections and have never been employed to strike down an Act of the General Assembly doing just that.

5. Petitioners' Federal free speech and equal protection claims and their equivalents under Md. Decl. of Rights Articles 24 and 40 were rejected by the Supreme Court in *Rucho v. Common Cause*, 139 S. Ct. 2484 (2019).

The hearing on these issues occurred on March 23-24, 2022 as required by the Scheduling Order. The first witness was Sean Trende, who qualified as an expert and testified remotely for petitioners. His testimony was streamed on the Court of Appeals website and is available at: <https://www.courts.state.md.us/coappeals/highlightedcases>. It was limited to the issue of compactness based on Reock, Polsby-Popper, Schwartzberg, and Convex Hull metrics. The thrust of his testimony was that the scores for the Maryland districts challenged by petitioners, based on those tests, were generally worse (lower) than 90% of the 13,473 other legislative districts he studied throughout the country, from 2002 to 2020, although he did acknowledge that some districts could score poorly on one test and better on another. *See* Petitioner's Exhibits 7, 8, 9, and 11.

Testifying for the State was Allan J. Lichtman, a Distinguished Professor of History at American University, who was accepted as an expert in historical statistical methodology and political history. The thrust of his testimony was that the Enacted Plan was not an exercise of political gerrymandering in favor of Democrats but could be explained by the facts that, (1) in Maryland, Democrats enjoy a 2.2 to 1 advantage in registration, (2) along with Massachusetts and California, it is the second-most Democratic State in the country, and (3) history has shown that the party winning the largest share of the vote almost always wins the largest share of the legislative seats.

Analysis

The evidentiary hearing focused almost entirely on one aspect of redistricting – that the districts be “compact.” It is clearly an important element and, in some instances, may be dispositive because of its nexus to gerrymandering. But it is not the only element, and historically has been regarded as being subject to other considerations – predominantly equality of population, the Federal Voting Rights Act and other supervening Federal requirements, contiguity, and, although on its own not a Constitutional consideration, trying to keep people in their home districts where they are closer to the local needs and politics. Thus, in *Matter of Legislative Districting*, 370 Md. 312, 361 (2002) – the case in which the Court of Appeals drew the redistricting plan – the Court acknowledged:

“that the redistricting process is a political exercise for determination by the legislature and, therefore, that the presumption of validity accorded districting plans applied with equal force to the resolution of a compactness challenge [citing *In re Legislative Districting*, *supra*, 299 Md. 681, 688]. Thus, we instructed, ‘the function of the courts is limited to assessing whether the principles underlying the compactness and other constitutional requirements have been fairly considered and applied in view of all relevant considerations, and not to insist that the most geometrically compact district be drawn.’”

There has been no unanswered assertion here that the LRAC Plan is in violation of the equality of population requirement or the Voting Rights Act. A comparison of the current plan with the one it replaces shows that an attempt was made to keep voters in their current districts, with which they are familiar, and to avoid crossing political or natural boundary lines except when required to achieve or maintain population equality. Suggestions in the petitions that political considerations played a role were all on

“information and belief” and were not supported by any compelling evidence.² Accordingly, the Special Magistrate recommends that Petition No. 25 be **DENIED**.

MISC. NO. 26

Petitioners in No. 26 are registered Republican voters. They have adopted all of the challenges made by the petitioners in No. 25, and, as to them, the Special Magistrate’s response will be the same. These petitioners stress the claims that “the Plan violates Articles 7, 24, and 40 of the Declaration of Rights, Article I, Section 7 of Maryland’s Constitution, and the Equal Protection and Due Process clauses of the U.S. Constitution specifically because it contains non-uniform, multimember districts for the House of Delegates, rather than a uniform scheme of single member districts for that body of the General Assembly.”

² These petitioners had filed discovery requests seeking detailed information regarding the development of the legislation that led to the adoption by the General Assembly of the LRAC Plan. On the Attorney General’s objection, a hearing was held on those requests, which the Special Magistrate denied on the ground of legislative privilege. That Order is a matter of public record. It was based on the fact that the U.S. District Court decision relied on by petitioners to support their request had been reversed by the U.S. Supreme Court on the ground that the District Court was without jurisdiction in the matter. The Special Magistrate understood that his decision might have the effect of limiting petitioners’ ability to gain information in support of their request, but that is the purpose of a privilege – to deny information.

As explained in *Montgomery County v. Schooley*, 97 Md. App. 107, 113-119 (1993), the legislative privilege arises from the “speech and debate” clauses in the Federal and Maryland Constitutions (Art. I, § 6 of the U.S. Constitution and Art. 10 of the Md. Decl. of Rights,) which, in turn, derive from the English Bill of Rights of 1689. As noted in *Schooley*, at 114, “[t]hey have long been regarded as ‘an important protection of the independence and integrity of the legislature’ and in this country, as also reinforcing the core doctrine of separation of powers.”

They complain that Article III, § 3 of the Maryland Constitution permits what they regard as “a veritable hodgepodge of three-member districts, two member/one member districts, and single-member districts aggregated into a state Senate district,” and contend that such a mixture violates the “one person, one vote” principle, due process, and equal protection. Although their objection is directed to the *mixing* of single-member and multi-member districts, their solution is to have **only** “uniformly sized single-member districts” for the House of Delegates – apparently a separate Statewide map showing only the uniform Delegate Districts throughout the State.

Their equal protection argument is that the current Maryland law “creates two or more distinct classes of voters who are subjected to different types of representation, some voting for one, two, or three delegates to represent them in the House of Delegates with corresponding differences for constituent services simply because of a shifting geographical line.” *Petitioners’ Memorandum of Law* at 8.

The Attorney General’s response is that that approach was included in the Constitution proposed by the Constitutional Convention held in 1967-68 (as Article 3, § 3.03), but that Constitution was rejected by the voters and, unlike many other features embodied in that Constitution, was never again proposed and submitted to the People despite 54 years of opportunity to do so. *See also White v. Register*, 412 U.S. 755, 765 (1973) (“Plainly, under our cases, multimember districts are not *per se* unconstitutional, [nor have they been held, in Maryland, to be unconstitutional] when used in combination with single-member districts in other parts of the State. [citations omitted] But we have

entertained claims that multimember districts are being used invidiously to cancel out or minimize the voting strength of racial groups.”).

Many States have done away with or curtailed mixing single-Delegate and multi-Delegate districts. It has been a fixture in Maryland, however, and can serve a useful purpose of giving minority groups a better opportunity to elect one of their own. To abolish them would be to declare part of the Maryland Constitution unconstitutional. That has been done before, and that is what it would take to abolish multi-member districts, as requested by petitioners.

There is another aspect to the issue, to which Ms. Shoemaker alludes but has not received as much attention, and that is voting equality. In a three-Delegate district, each voter can vote for three Delegates. As petitioners have argued, in a one-Delegate district, the voters can vote for only one Delegate. The proportionate voting strength of each voter in the three-Delegate district may be reduced, because there are more people voting in that district, but each voter can still vote for three, whereas two blocks away in a one-Delegate district, the voters can vote for only one. The issue has been raised, and it is a fair one that deserves attention.

The problem is one of time. To strike down a provision of the Maryland Constitution (Art. III, § 3) that has been an integral part of our redistricting law for 50 years, with a general election on our doorstep and a legislative session about to end, can create as much mischief as it resolves. The entire legislative redistricting plan would need to be reviewed and much of it rewritten. There are 18 Senate districts with split Delegate districts, in 12 of which are a multi-member district, in nearly every area of the State.

The Special Magistrate recommends leaving that issue for the next cycle, during which the Legislature and perhaps the People can survey the country and make an informed decision of whether the current Constitutional provision should be amended or repealed. At this point, the Special Magistrate recommends that the Petition No. 26 be **DENIED**.

Respectfully submitted,

/s/ Alan M. Wilner
Alan M. Wilner
Special Magistrate

Filed: April 4, 2022

/s/ Suzanne C. Johnson
Suzanne C. Johnson
Clerk
Court of Appeals of Maryland

Pursuant to Maryland Uniform Electronic Legal
Materials Act
(§§ 10-1801 et seq. of the State Government Article) this document is authentic.



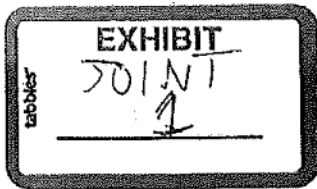
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Suzanne C. Johnson, Clerk

SPECIAL MAGISTRATE'S REPORT

APPENDIX I

STIPULATIONS OF FACT



Received

IN THE COURT OF APPEALS OF MARYLAND

MAR 23 2022

Suzanne C. Johnson, Clerk
Court of Appeals
of Maryland

IN THE MATTER OF
2022 LEGISLATIVE
DISTRICTING OF THE STATE

MISC. NO. 21, 24, 25, 26, 27

STIPULATIONS OF FACT

The Parties in these matters hereby stipulate and agree that the Court may accept as proven for purposes of these matters the following facts:

Filed

MAR 23 2022

Suzanne C. Johnson, Clerk
Court of Appeals
of Maryland

Petitioners

- 1. Petitioners are registered voters in Maryland.

The MCRC State Legislative Redistricting Plan

2. On January 12, 2021, Governor Hogan issued an executive order establishing the Maryland Citizens Redistricting Commission (the "MCRC") for the purposes of redrawing the state's congressional and legislative districting maps based on newly released census data. The MCRC was comprised of nine Maryland registered voter citizens, three Republicans, three Democrats, and three registered with neither party. The selection of members was intended to produce a MCRC that was independent from legislative influence, impartial, and reasonably representative of the State's diversity and geographical, racial and gender makeup. Governor Hogan's Executive Order directed the MCRC to prepare maps that, among other things: respect natural boundaries and the geographic integrity and continuity of any municipal corporation, county, or other political subdivision to the extent practicable; be geographically compact and include nearby areas of population to the extent practicable; and to the extent possible and consistent with the Commission's other duties and responsibilities, be subdivided into single-member delegate districts. At the same time, Governor Hogan forbade the MCRC from considering how individuals are registered to vote, how individuals voted in the past, or the

political party to which individuals belong; or from considering the domicile or residence of any individual, including an incumbent officeholder or a potential candidate for office. A true and accurate copy of the January 12, 2021 Executive Order is attached as Exhibit A.

3. Over the course of the following months, the MCRC held over 30 public meetings with a total of more than 4,000 attendees from around the State. The Commission provided a public online application portal for citizens to prepare and submit maps, and it received a total of 86 maps for consideration.

4. After receiving public input and deliberating, on November 5, 2021, the MCRC recommended a State legislative redistricting plan to Governor Hogan. A true and accurate copy of the MCRC State legislative redistricting plan is attached as Exhibit B.

5. On January 12, 2022, the first day of the 2022 legislative session of the General Assembly, Governor Hogan submitted the MCRC's State legislative districting plan without change to the General Assembly. It was introduced to the Maryland General Assembly as Senate Joint Resolution No. 3 and House Joint Resolution No. 1. The MCRC's redistricting plan was referred to committee and never acted upon.

Enactment of the 2021 State Legislative Redistricting Plan

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

7. The LRAC included Senator Ferguson, Delegate Jones, Senator Melony Griffith, and Delegate Eric G. Luedtke, all of whom are Democratic members of Maryland's General Assembly. Two Republicans, Senator Bryan W. Simonaire and Delegate Jason C. Buckel, also were appointed to the LRAC by Senator Ferguson and Delegate Jones. Karl S. Aro, who is not a

member of Maryland's General Assembly, was appointed as Chair of the LRAC by Senator Ferguson and Delegate Jones. Mr. Aro previously served as Executive Director of the non-partisan Department of Legislative Services for 18 years until his retirement in 2015, and was appointed by the Court of Appeals to assist in preparing a remedial redistricting plan that complied with state and federal law in 2002.

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

9. Near the conclusion of the public hearings, the Department of Legislative Services ("DLS") was directed to produce a State legislative redistricting plan for the LRAC's consideration.

10. On or about January 7, 2022, the LRAC adopted a State legislative redistricting plan (the "Plan"). Both Republican members of the LRAC opposed the plan. A true and accurate copy of the Plan is attached as Exhibit C.

11. On or about January 12, 2022, the Plan was submitted to the General Assembly as Senate Joint Resolution No. 2 and House Joint Resolution No. 2.

12. On or about January 27, 2022, the Plan was passed by the General Assembly and became law. All 32 Democratic members of Maryland's Senate voted in favor of the Plan. All 14 Republican members of the Maryland Senate present voted in opposition to the Plan.¹ In the House of Delegates, 95 of the 96 Democratic members of the House of Delegates present voted in favor of the Plan.² All 42 Republican members of the House of Delegates voted in opposition to the Plan.

¹ One Republican member of the Senate was absent (excused) at the time of the vote.

² Three Democratic members of the House of Delegates were absent (excused) at the time of the vote. One Democratic member of the House of Delegates cast no vote.

Exhibits

13. Exhibit D is a true and accurate copy of the State legislative redistricting plan in effect from 2011-2020.

14. Exhibit E is a true and accurate copy of voter registration data by State legislative district under the State legislative redistricting plan in effect from 2011-2020 as of October 17, 2020.

15. Exhibit F is a true and accurate copy of voter registration data by State legislative district under the Plan.

16. Exhibit G includes true and accurate copies of slides reflecting population metrics that were presented at hearings of the LRAC in 2021.

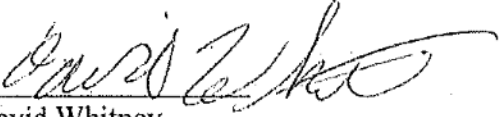
16. Exhibit H is a true and accurate copy of the State legislative redistricting plan in effect from 2002-2010.

17. Exhibit I is a true and accurate copy of a table reflecting changes in Maryland county populations from 2010 to 2020, based on data produced by the U.S. Census Bureau following the 2020 Census.

19. Exhibit J is a true and accurate copy of a malapportionment report for the legislative districts under the State legislative redistricting plan in effect from 2011-2020, showing population deviation in those districts from the "ideal" district population based on 2020 Census data.

20. Exhibits K-1 through K-17 are true and correct copies of maps of Districts 2A and 2B; 7A and 7B; 9A and 9B; 11A and 11B; 12A and 12B; 21; 22; 23; 24; 25; 26; 27A, 27B, and 27C; 30A and 30B; 31; 33A, 33B, and 33C; 42A, 42B, and 42C; and 47A and 47B, respectively, of the Enacted Plan. The parties agree that higher resolution versions of these maps are available at the Maryland Department of Planning's website: <https://planning.maryland.gov/Redistricting/Pages/2020/legiDist.aspx>.

Respectfully submitted,

<p>BRIAN E. FROSH Attorney General of Maryland</p> <p><u>/s/ Andrea W. Trento</u></p> <hr/> <p>ANDREA W. TRENTO Assistant Attorney General Attorney No. 0806170247 STEVEN M. SULLIVAN Assistant Attorney General Attorney No. 9706260005 Office of the Attorney General 200 Saint Paul Place 20th Floor Baltimore, Maryland 21202 atrento@oag.state.md.us (410) 576-6472 (410) 576-6955 (facsimile)</p> <p><i>Attorneys for Respondent</i></p>	 <p>David Whitney 1001 Round Top Drive Annapolis, Maryland 21409 dwhitney@cefcmd.org</p> <p><i>Petitioner in Misc. No. 24</i></p>
<p><u>/s/ Strider L. Dickson</u></p> <p>Strider L. Dickson, AIS No. 0212170219 Brenton H.J. Conrad, AIS No. 2012170014 McAllister, DeTar, Showalter & Walker LLC 706 Giddings Avenue, Suite 305 Annapolis, Maryland 21401 Telephone: 410-934-3900 Facsimile: 410-934-3933 sdickson@mmdswlaw.com bconrad@mmdswlaw.com</p> <p><i>Attorneys for Petitioner in Misc. No. 25</i></p>	<p><u>/s/ David K. Bowersox</u></p> <p>David K. Bowersox, AIS No. 8212010031 Hoffman, Comfort, Offutt, Scott & Halstad, LLP 24 North Court Street Westminster, Maryland 21401 Telephone: 410-848-4444 dbowersox@hcolaw.com</p> <p><i>Attorney for Petitioners in Misc. No. 26</i></p>
<p><u>Seth Wilson</u></p> <p>12010 Warrenfeltz Lane Hagerstown, Maryland 21742 gopseth@outlook.com</p> <p><i>Petitioner in Misc. No. 27</i></p>	

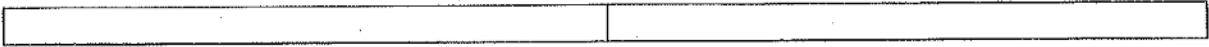


EXHIBIT A



The State of Maryland
Executive Department

EXECUTIVE ORDER
01.01.2021.02

Maryland Citizen Redistricting Commission

- WHEREAS, The integrity of elections is essential to the success of our democracy;
- WHEREAS, The process of redistricting should be fully transparent and subject to input and scrutiny from the public;
- WHEREAS, Fairness in the redistricting process is what the citizens of Maryland expect and deserve;
- WHEREAS, It is a conflict of interest for politicians to redraw the districts in which they run for re-election;
- WHEREAS, Free and fair elections are the very foundation of American democracy and the most basic promise that those in power can pledge to citizens;
- WHEREAS, Maryland nonpartisan redistricting reform has been overdue for decades;
- WHEREAS, The fight for fairness and bipartisanship in our state's redistricting process is not a fight between the right and left, but a fight between right and wrong;
- WHEREAS, The voters of Maryland should pick their elected representatives --- not the other way around; and
- WHEREAS, The redistricting process that has been used in Maryland for decades lacks transparency, deprives Maryland citizens of the ability to participate, and has saddled our state with the unfortunate distinction of being home to the most gerrymandered districts in the nation;

NOW THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

- A. There is a Maryland Citizen Redistricting Commission (the "Commission").
- B. Membership.
 - 1. The Commission consists of the following members appointed by the Governor:
 - a. One registered with the Democratic Party;
 - b. One registered with the Republican Party;
 - c. One not registered with either the Democratic Party or the Republican Party; and
 - d. Six selected from a public application process, apportioned as follows:
 - i. Two registered with the Democratic Party;
 - ii. Two registered with the Republican Party;
 - iii. Two not registered with either the Democratic Party or the Republican Party.
 - 2. Each member shall be a voter who, for at least three years immediately preceding the date of appointment, has been registered in the State continuously with the same political party or continuously with neither the Democratic Party nor the Republican Party.
 - 3. No member may be:
 - a. A representative or candidate for representative in the U.S. Congress;
 - b. A member or candidate for member of the General Assembly of Maryland;

- c. An officer or employee of a political party or political committee;
 - d. A member of staff of the Governor, Maryland General Assembly, or U.S. Congress; or
 - e. A current registered lobbyist.
4. The selection of members shall be intended to produce a Commission that is independent from legislative influence, impartial, and reasonably representative of the State's diversity and geographical, racial, and gender makeup.
 5. The Governor shall appoint one or more members to chair the Commission.
 6. A vacancy may be filled in the same manner that the initial appointments are made.

C. Duties.

1. The Commission shall prepare one plan for Maryland's state legislative districts and one plan for Maryland's congressional districts, in conformance with the following:
 - a. The plans shall:
 - i. Comply with all State and federal constitutional and legal requirements, including the Voting Rights Act;
 - ii. Comply with all applicable judicial direction, rulings, judgments, or orders;
 - iii. Respect natural boundaries and the geographic integrity and continuity of any municipal corporation, county, or other political subdivision to the extent practicable; and
 - iv. Be geographically compact and include nearby areas of population to the extent practicable;
 - b. The plans shall not account for:

- i. How individuals are registered to vote, how individuals voted in the past, or the political party to which individuals belong; or
 - ii. The domicile or residence of any individual, including an incumbent officeholder or a potential candidate for office;
 - c. Congressional districts shall:
 - i. Equal the number of representatives in the U.S. Congress that have been apportioned to the state; and
 - ii. Be equal in population to the extent practicable; and
 - d. Legislative districts shall be:
 - i. As nearly equal in population as is feasible given due regard for natural boundaries and the boundaries of political subdivisions;
 - ii. To the extent possible and consistent with the Commission's other duties and responsibilities, subdivided into single-member delegate districts; and
 - iii. Numbered consecutively commencing at the northwestern boundary of the state and ending at the southeastern boundary of the state.

- 2. The Commission shall conduct its business with integrity and fairness.
- 3. The Commission shall exercise judgment that is impartial and that reinforces public confidence in the integrity of the redistricting process.

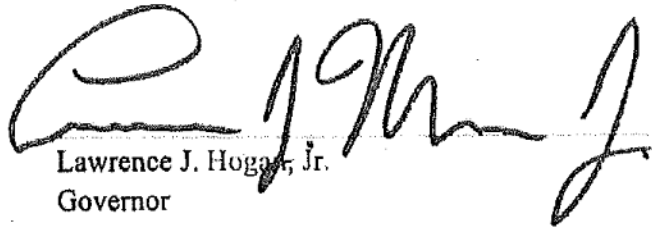
D. Procedures.

- 1. A majority of the members of the Commission shall constitute a quorum for the transaction of any business.
- 2. The Commission shall:
 - a. Conduct open and transparent proceedings that:

- i. Enable full public consideration of and input as to the establishment of legislative and congressional districts; and
 - ii. Encourage citizen outreach and broad public participation in the redistricting process;
 - b. Hold meetings at such times and such places as it deems necessary, provided that the meetings are accessible to the general public in accordance with the Maryland Open Meetings Act or other applicable law;
 - c. Conduct regional summits to allow citizens to offer comment on the boundaries of the congressional and legislative districts;
 - d. Provide an electronic portal for citizens to review redistricting data and submit their comments about redistricting; and
 - e. Undertake any other activities it deems appropriate to further increase opportunities for the public to observe and participate in the redistricting process.
3. The Commission may adopt such other procedures as may be necessary to ensure the orderly transaction of business, including the creation of committees.
4. The Commission may designate additional individuals, including interested citizens, educators, or specialists with relevant expertise, but excluding individuals identified in Section B(3), to serve on any committee.
5. The Commission may consult with units of State government and outside experts to obtain such technical assistance and advice as it deems necessary to complete its duties.
6. After receiving sufficient comment, input, assistance, and advice from the public, experts, units of State government, committees, and other interested persons, the Commission shall:
 - a. With at least seven affirmative votes of the members, approve and certify proposed redistricting plans that separately set forth district boundary lines for state congressional and legislative districts;

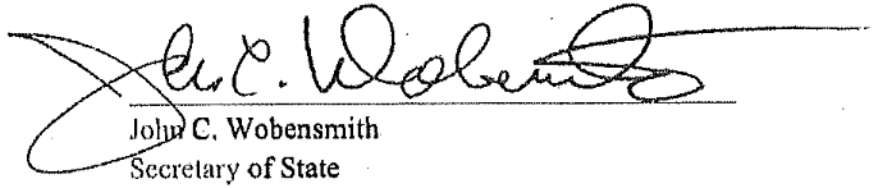
- b. Approve and certify proposed maps that correspond to the redistricting plans;
 - c. Publicize the proposed plans and maps in a manner reasonably designed to achieve broad public availability and access; and
 - d. Accept and review comments about the proposed plans and maps.
7. After publicizing, reviewing, and making any appropriate adjustments to the proposed plans and maps, the Commission shall:
- a. With at least seven affirmative votes of the members, approve and certify final redistricting plans for state legislative and congressional districts;
 - b. Approve and certify final maps that correspond to the redistricting plans;
 - c. Submit the final plans and maps to the Legislative Office of the Office of the Governor; and
 - d. Issue a report that explains the basis for the Commission's decisions and includes definitions of the terms and standards used for each plan.
- E. The Office of the Governor shall prepare and transmit the final certified redistricting plans and maps for introduction in the General Assembly.
- F. Membership of the Commission shall not be compensated, but members are entitled to reimbursement for expenses as provided by law.
- G. The Office of the Governor shall provide the Commission with staff and consultants as necessary and feasible.
- H. The public records of the Commission are subject to inspection pursuant to the Public Information Act.
- I. All units of State government subject to the supervision and direction of the Governor shall cooperate with and assist the Commission in carrying out its responsibilities.

Given Under my Hand and the Great Seal of the
State of Maryland, in the City of Annapolis this
12th Day of January, 2021.



Lawrence J. Hogans, Jr.
Governor

ATTEST:



John C. Wobensmith
Secretary of State

EXHIBIT B



MARYLAND CITIZENS REDISTRICTING COMMISSION

Final Recommended Map

Maryland Senate

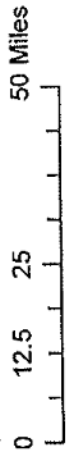
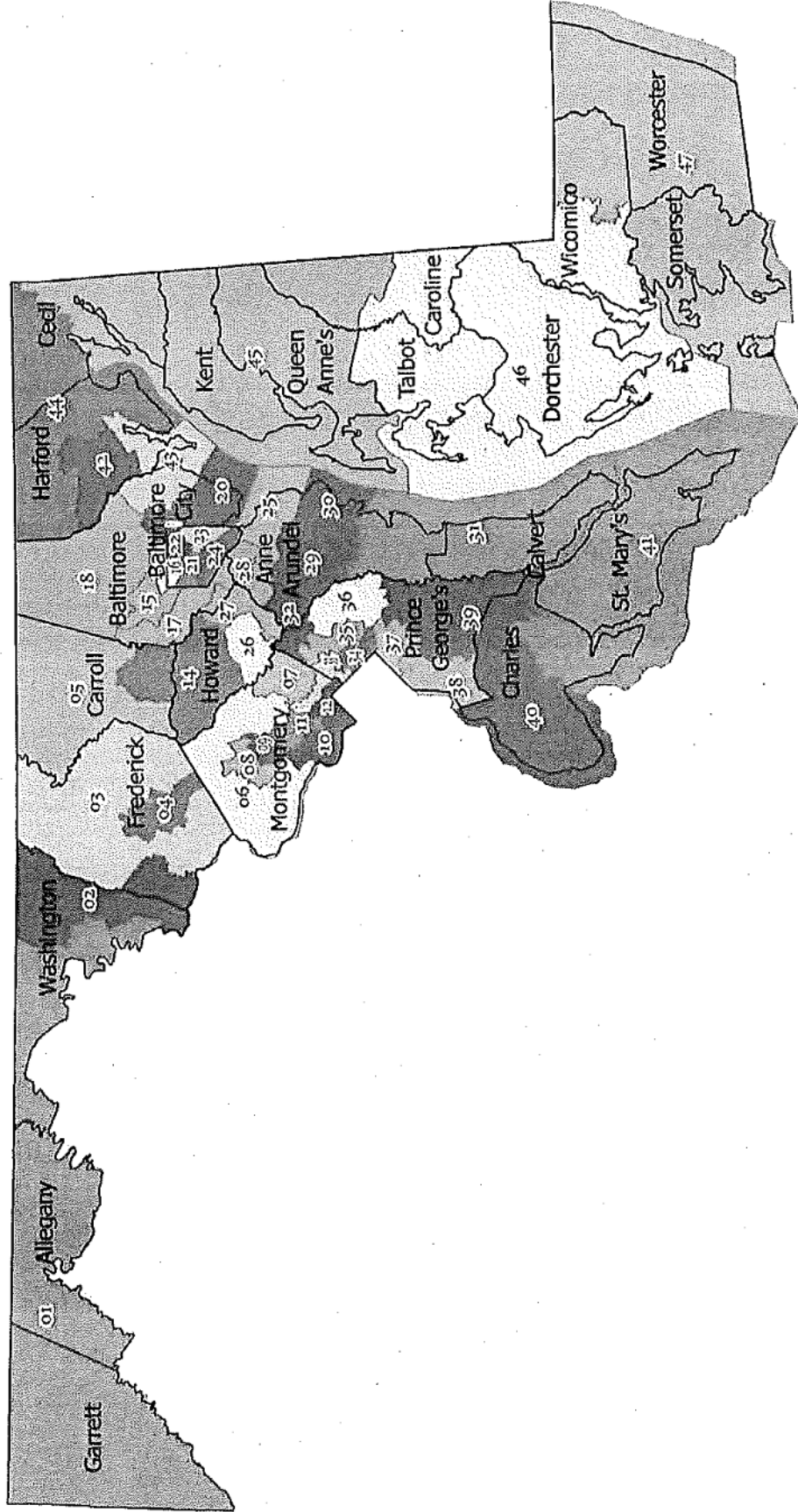


EXHIBIT C

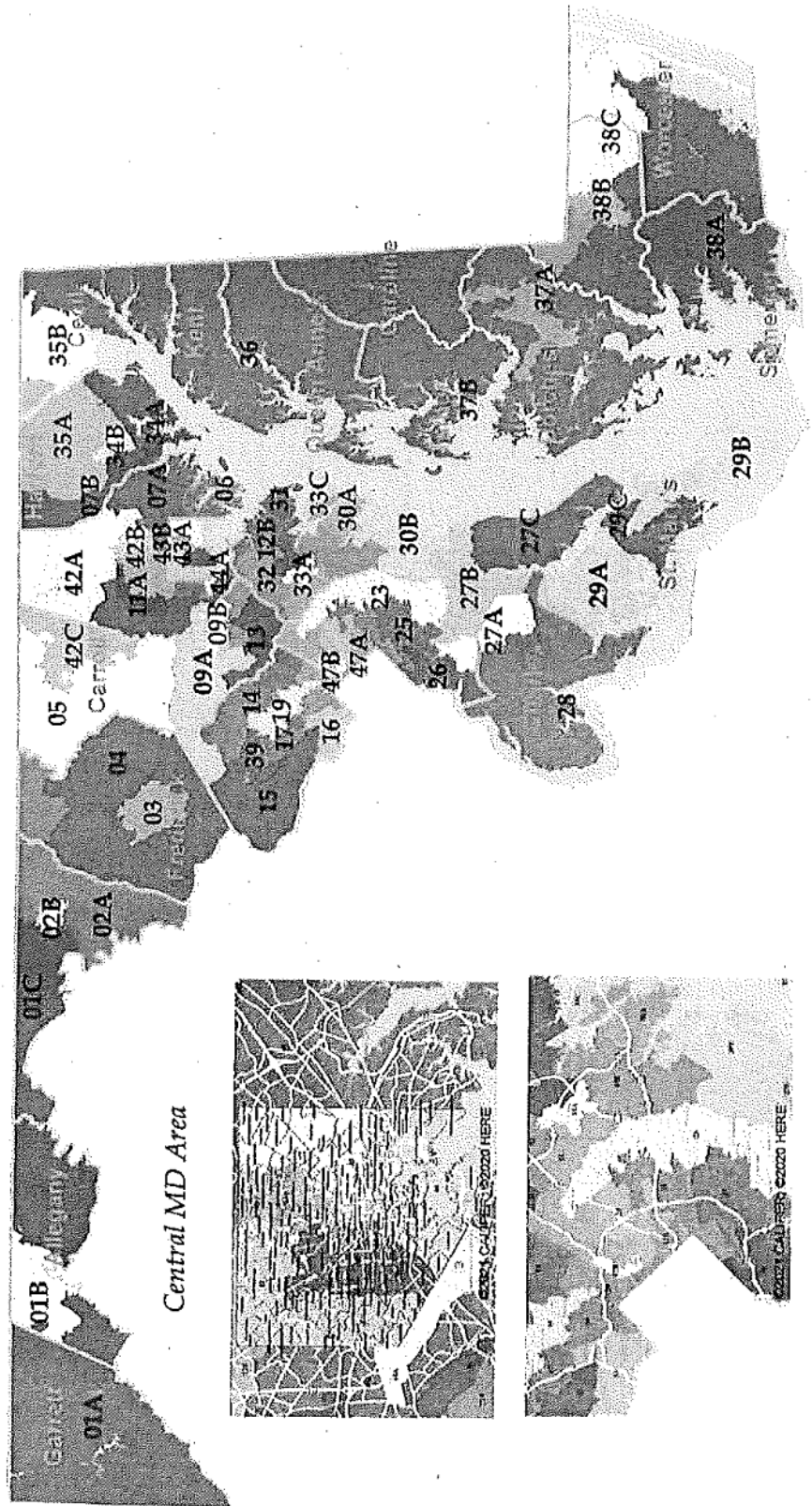


MLD399L0017-7F

Final Recommended Legislative Map

MD General Assembly Legislative Redistricting Advisory Commission

January 7, 2022



Central MD Area

EXHIBIT D

Maryland 2012 Legislative Districts

SJR1/HJR1, February 24, 2012



Note: Legislative District Boundary lines are based on Census TIGER/LINE. The streets and State Highway Administration Child map. In some instances the 2010 Census TIGER/LINE may not align with the S14 street grid.

EXHIBIT E

Eligible Active Voters on the Precinct Register - By Legislative District

Election: 2020 Presidential General Election

Election Date: November 03, 2020

**As of October 17, 2020

District	County	DEM	REP	BAR	GRN	LIB	WCP	OTH	UNA	Total
Legislative District Code 01A	STATEWIDE	5,534	17,456	7	23	106	13	206	3,693	27,037
Legislative District Code 01B	STATEWIDE	7,054	12,301	9	39	112	10	194	4,105	23,824
Legislative District Code 01C	STATEWIDE	7,098	13,484	11	45	139	12	238	4,813	25,840
Legislative District Code 02A	STATEWIDE	18,279	29,230	14	64	295	19	496	12,218	60,615
Legislative District Code 02B	STATEWIDE	11,636	7,538	8	54	151	17	291	5,954	25,649
Legislative District Code 03A	STATEWIDE	28,983	15,651	21	121	270	27	297	13,643	59,013
Legislative District Code 03B	STATEWIDE	14,373	11,791	11	34	179	17	128	8,145	34,678
Legislative District Code 04	STATEWIDE	31,857	46,243	24	121	534	40	455	23,301	102,375
Legislative District Code 05	STATEWIDE	25,112	49,658	22	130	511	24	800	19,265	95,522
Legislative District Code 06	STATEWIDE	37,285	23,619	25	142	368	67	931	15,680	78,127
Legislative District Code 07	STATEWIDE	35,311	45,777	14	120	472	45	907	19,236	101,882
Legislative District Code 08	STATEWIDE	45,541	22,639	20	137	344	54	889	15,869	85,483
Legislative District Code 09A	STATEWIDE	26,755	28,007	16	88	286	13	631	15,512	72,308
Legislative District Code 09B	STATEWIDE	15,665	7,575	8	54	95	8	287	7,542	31,234
Legislative District Code 10	STATEWIDE	59,162	10,415	16	124	198	40	755	12,553	83,265
Legislative District Code 11	STATEWIDE	52,312	18,171	11	109	305	29	805	14,542	86,284
Legislative District Code 12	STATEWIDE	45,268	19,094	19	129	353	35	895	17,218	83,911
Legislative District Code 13	STATEWIDE	53,677	17,775	24	131	367	30	864	21,901	94,769
Legislative District Code 14	STATEWIDE	52,824	20,010	12	118	288	28	733	19,215	93,228
Legislative District Code 15	STATEWIDE	50,015	17,494	18	129	272	0	797	24,178	92,831
Legislative District Code 16	STATEWIDE	57,710	14,754	22	100	232	17	779	20,283	93,897
Legislative District Code 17	STATEWIDE	47,800	11,993	26	147	275	20	791	19,436	80,488
Legislative District Code 18	STATEWIDE	52,019	9,981	18	136	239	24	630	15,551	78,600
Legislative District Code 19	STATEWIDE	50,079	14,123	21	139	237	22	711	17,581	82,913
Legislative District Code 20	STATEWIDE	55,431	5,834	28	150	199	45	597	13,164	75,448
Legislative District Code 21	STATEWIDE	49,831	13,362	16	128	310	43	1,663	16,615	81,968
Legislative District Code 22	STATEWIDE	57,189	5,125	34	138	157	31	1,544	11,434	75,652
Legislative District Code 23A	STATEWIDE	20,207	3,443	8	34	68	10	626	4,697	29,093
Legislative District Code 23B	STATEWIDE	54,138	6,850	14	48	140	16	1,060	9,271	71,337
Legislative District Code 24	STATEWIDE	76,498	3,450	25	89	121	56	1,558	10,060	91,858

Legislative District Code 25	STATEWIDE	76,366	3,213	15	70	143	45	1,408	8,920	90,179
Legislative District Code 26	STATEWIDE	73,466	4,452	13	92	126	48	1,597	9,921	89,715
Legislative District Code 27A	STATEWIDE	27,384	4,956	6	33	83	19	474	5,029	37,984
Legislative District Code 27B	STATEWIDE	19,097	10,295	11	32	123	13	449	5,730	35,750
Legislative District Code 27C	STATEWIDE	12,160	13,330	7	46	132	12	273	6,973	32,933
Legislative District Code 28	STATEWIDE	64,477	21,446	15	98	302	75	644	17,433	104,490
Legislative District Code 29A	STATEWIDE	9,966	14,376	7	26	138	15	209	6,141	30,878
Legislative District Code 29B	STATEWIDE	11,468	8,554	4	48	146	0	265	5,785	28,285
Legislative District Code 29C	STATEWIDE	10,776	13,803	12	50	198	17	264	7,062	32,182
Legislative District Code 30A	STATEWIDE	28,478	17,524	15	103	259	15	443	12,560	59,387
Legislative District Code 30B	STATEWIDE	11,131	13,523	8	40	133	16	186	7,023	32,060
Legislative District Code 31A	STATEWIDE	13,792	7,445	9	44	137	29	249	5,977	27,682
Legislative District Code 31B	STATEWIDE	23,168	29,386	21	70	350	34	428	15,160	68,617
Legislative District Code 32	STATEWIDE	48,365	21,233	18	134	418	61	657	20,376	91,262
Legislative District Code 33	STATEWIDE	40,544	40,568	32	151	530	31	601	24,083	106,540
Legislative District Code 34A	STATEWIDE	28,046	16,120	23	84	303	32	575	12,529	57,712
Legislative District Code 34B	STATEWIDE	10,909	13,888	7	41	188	7	247	6,736	32,003
Legislative District Code 35A	STATEWIDE	9,808	12,967	1	50	152	16	305	6,516	29,615
Legislative District Code 35B	STATEWIDE	18,714	33,710	17	73	319	28	501	12,909	64,272
Legislative District Code 36	STATEWIDE	29,927	41,025	11	119	431	55	766	17,728	90,052
Legislative District Code 37A	STATEWIDE	15,318	5,341	5	40	96	22	243	4,284	25,449
Legislative District Code 37B	STATEWIDE	21,498	28,585	9	66	261	30	493	10,968	61,908
Legislative District Code 38A	STATEWIDE	11,384	10,751	6	30	100	10	201	4,277	26,759
Legislative District Code 38B	STATEWIDE	11,304	9,583	4	38	129	20	282	5,331	26,891
Legislative District Code 38C	STATEWIDE	10,061	16,374	8	46	167	13	396	6,588	33,853
Legislative District Code 39	STATEWIDE	45,057	11,372	29	115	288	45	778	18,009	75,893
Legislative District Code 40	STATEWIDE	56,387	4,357	0	169	171	63	617	9,256	71,059
Legislative District Code 41	STATEWIDE	62,768	5,155	22	82	136	38	574	8,531	77,305
Legislative District Code 42A	STATEWIDE	15,525	5,689	10	64	119	6	307	4,611	26,331
Legislative District Code 42B	STATEWIDE	26,858	23,766	16	105	306	13	692	12,017	63,573
Legislative District Code 43	STATEWIDE	63,089	4,222	33	215	167	59	541	9,308	77,644
Legislative District Code 44A	STATEWIDE	20,921	1,080	5	35	37	23	232	2,607	24,040
Legislative District Code 44B	STATEWIDE	39,879	6,760	13	86	178	35	525	8,385	55,861
Legislative District Code 45	STATEWIDE	60,488	4,773	21	165	141	64	669	8,776	75,097
Legislative District Code 46	STATEWIDE	48,847	10,576	20	136	300	43	656	13,962	74,540
Legislative District Code 47A	STATEWIDE	34,632	2,158	11	76	97	26	899	5,530	43,429
Legislative District Code 47B	STATEWIDE	9,579	813	2	22	44	9	332	2,092	12,883

TOTAL		2,262,797	1,015,812	1,019	5,917	14,950	1,943	40,536	766,788	4,109,762
District	County	DEM	REP	BAR	GRN	LIE	WCP	OTH	UNA	Total
Legislative District Code 01A	Allegany	1,544	4,138	2	2	20	4	51	1,093	6,854
	Garrett	3,990	13,318	5	21	86	9	194	2,600	20,183
Legislative District Code 01B	Allegany	7,054	12,301	9	39	112	10	194	4,105	23,824
Legislative District Code 01C	Allegany	4,222	6,091	0	33	72	5	150	2,476	13,058
	Washington	2,876	7,393	2	12	67	7	88	2,337	12,782
Legislative District Code 02A	Washington	18,279	29,230	14	64	295	19	496	12,218	60,615
Legislative District Code 02B	Washington	11,636	7,538	8	54	151	17	291	5,954	25,649
Legislative District Code 03A	Frederick	28,983	15,651	21	121	270	27	297	13,643	59,013
Legislative District Code 03B	Frederick	14,373	11,791	11	34	179	17	128	8,145	34,678
Legislative District Code 04	Carroll	2,526	4,918	1	4	47	7	79	2,126	9,710
	Frederick	29,131	41,325	23	117	487	33	376	21,173	92,665
Legislative District Code 05	Carroll	25,112	49,652	22	130	511	24	800	19,265	95,522
Legislative District Code 06	Baltimore County	37,295	23,619	25	142	368	67	931	15,680	78,127
Legislative District Code 07	Baltimore County	20,862	21,163	8	67	232	32	519	10,042	52,925
	Harford	14,449	24,514	6	53	240	13	388	9,194	48,957
Legislative District Code 08	Baltimore County	45,541	22,639	20	137	344	54	889	15,859	85,483
Legislative District Code 09A	Carroll	6,024	9,391	4	21	112	7	193	4,377	20,129
	Howard	20,731	18,616	12	67	174	6	436	12,135	52,179
Legislative District Code 09B	Howard	15,665	7,575	8	54	95	8	287	7,542	31,234
Legislative District Code 10	Baltimore County	59,162	10,415	18	124	198	40	756	12,553	83,265
Legislative District Code 11	Baltimore County	52,312	18,171	11	109	305	29	805	14,542	86,284
Legislative District Code 12	Baltimore County	16,636	10,312	13	64	177	21	449	6,887	34,559
	Howard	28,632	8,782	6	65	176	14	446	10,331	48,452
Legislative District Code 13	Howard	53,677	17,775	24	131	367	30	964	21,901	94,769
Legislative District Code 14	Montgomery	52,824	20,010	12	118	288	28	733	19,215	93,228
Legislative District Code 15	Montgomery	50,015	17,494	18	129	272	0	797	24,178	92,931
Legislative District Code 16	Montgomery	57,710	14,754	22	100	232	17	779	20,283	93,897
Legislative District Code 17	Montgomery	47,800	11,993	26	147	275	20	791	19,435	80,488
Legislative District Code 18	Montgomery	52,019	9,981	18	138	239	24	630	15,551	78,900
Legislative District Code 19	Montgomery	50,079	14,123	21	139	237	22	711	17,581	82,913
Legislative District Code 20	Montgomery	55,431	5,834	28	150	199	45	597	13,154	75,448
Legislative District Code 21	Anne Arundel	9,016	5,778	2	22	95	11	151	4,893	20,068
	Prince George's	40,815	7,584	14	106	215	32	1,512	11,622	61,900
Legislative District Code 22	Prince George's	57,189	5,125	34	138	157	31	1,544	11,434	75,652

Legislative District Code 23A	Prince George's	20,207	3,443	8	34	68	10	626	4,697	29,063
Legislative District Code 23B	Prince George's	54,138	6,650	14	48	140	16	1,060	9,271	71,337
Legislative District Code 24	Prince George's	76,488	3,450	25	89	121	56	1,558	10,060	91,858
Legislative District Code 25	Prince George's	76,365	3,213	15	70	143	45	1,408	8,920	90,178
Legislative District Code 26	Prince George's	73,466	4,452	13	92	126	48	1,597	9,921	88,715
Legislative District Code 27A	Charles	7,939	3,265	4	14	47	8	119	2,416	13,812
Legislative District Code 27B	Prince George's	19,445	1,691	2	19	36	11	355	2,613	24,172
Legislative District Code 27C	Calvert	6,590	8,779	9	0	93	9	162	3,878	19,539
Legislative District Code 28	Prince George's	12,507	1,516	2	13	30	4	287	1,852	16,211
Legislative District Code 29A	Calvert	12,160	13,330	7	46	132	12	273	6,973	32,933
Legislative District Code 29B	Charles	64,477	21,446	15	98	302	75	644	17,433	104,490
Legislative District Code 29C	Saint Mary's	9,966	14,376	7	26	138	15	209	6,141	30,878
Legislative District Code 30A	Saint Mary's	11,468	8,554	4	48	146	0	265	5,785	26,285
Legislative District Code 30B	Calvert	5,837	6,072	0	24	107	9	132	3,327	15,512
Legislative District Code 31A	Saint Mary's	4,939	7,731	8	26	91	8	0	3,735	16,670
Legislative District Code 31B	Anne Arundel	28,478	17,524	15	103	259	15	443	12,550	59,387
Legislative District Code 32	Anne Arundel	11,131	13,523	8	40	133	16	186	7,023	32,060
Legislative District Code 33	Anne Arundel	13,792	7,445	9	44	137	29	249	5,977	27,882
Legislative District Code 34A	Anne Arundel	23,166	29,385	21	70	350	34	428	15,160	68,617
Legislative District Code 34B	Anne Arundel	48,385	21,233	18	134	418	61	657	20,376	91,262
Legislative District Code 35A	Anne Arundel	40,544	40,568	32	151	530	31	601	24,083	106,540
Legislative District Code 35B	Harford	28,046	16,120	23	84	303	32	575	12,528	57,112
Legislative District Code 36	Harford	10,909	13,888	7	41	168	7	247	6,736	32,903
Legislative District Code 37A	Cecil	9,608	12,967	1	50	152	16	305	6,516	29,619
Legislative District Code 37B	Cecil	3,860	8,294	3	19	64	10	176	3,426	15,852
Legislative District Code 38	Harford	12,854	25,416	14	54	255	19	325	9,483	48,420
Legislative District Code 39	Caroline	4,695	7,480	1	25	68	10	124	3,134	15,537
Legislative District Code 40	Cecil	8,133	9,619	4	34	125	23	246	5,168	23,352
Legislative District Code 41	Kent	6,008	4,995	2	19	50	11	116	2,293	13,495
Legislative District Code 42	Queen Anne's	11,091	18,930	4	41	188	0	280	7,133	37,678
Legislative District Code 43	Dorchester	5,601	1,780	2	5	23	6	72	1,327	8,816
Legislative District Code 44	Wicomico	9,717	3,561	3	35	73	16	171	2,957	16,533
Legislative District Code 45	Caroline	1,934	2,559	1	8	18	7	39	1,074	5,640
Legislative District Code 46	Dorchester	4,247	6,950	2	14	55	6	76	2,021	13,371
Legislative District Code 47	Talbot	10,749	11,711	4	30	118	12	248	5,122	27,994
Legislative District Code 48	Wicomico	4,666	7,365	2	14	70	5	130	2,751	14,903
Legislative District Code 49	Somerset	5,704	5,713	4	18	48	8	94	2,048	13,637

Legislative District Code 36B	Worcester	5,680	5,038	2	12	52	2	107	2,229	13,122
Legislative District Code 38C	Wicomico	11,304	9,583	4	38	129	20	282	5,331	26,691
Legislative District Code 39	Wicomico	1,607	3,137	2	6	40	3	63	1,252	6,110
Legislative District Code 40	Worcester	8,454	13,237	6	40	127	10	333	5,336	27,543
Legislative District Code 41	Montgomery	45,057	11,372	29	115	288	45	778	18,008	75,693
Legislative District Code 42A	Baltimore City	56,387	4,357		159	171	63	617	9,256	71,059
Legislative District Code 42B	Baltimore City	62,768	5,155	22	82	135	38	574	6,531	77,305
Legislative District Code 43	Baltimore County	15,525	5,889	10	64	119	6	307	4,611	26,331
Legislative District Code 44A	Baltimore County	26,658	23,766	16	105	306	13	692	12,017	63,573
Legislative District Code 44B	Baltimore City	63,099	4,222	33	215	167	59	541	9,308	77,644
Legislative District Code 44C	Baltimore City	20,021	1,080	5	35	37	23	232	2,507	24,040
Legislative District Code 44D	Baltimore County	39,879	6,760	13	86	178	35	525	6,385	55,861
Legislative District Code 45	Baltimore City	60,488	4,773	21	165	141	64	669	6,776	75,097
Legislative District Code 46	Baltimore City	48,847	10,576	20	136	300	43	656	13,952	74,540
Legislative District Code 47A	Prince George's	34,632	2,158	11	76	97	26	899	5,530	43,429
Legislative District Code 47B	Prince George's	9,579	813	2	22	44	9	332	2,092	12,893
TOTAL		2,252,797	1,015,812	1,019	5,917	14,950	1,943	40,536	766,788	4,109,762

EXHIBIT F

District	Adj_Population	Deviation	% Deviation	% Adj_Hispanic Origin	% Adj_NH_AP_Wht
01A	42868	-929	-2.12%	1.20%	95.61%
01B	44733	936	2.14%	1.65%	92.20%
01C	44980	1183	2.70%	4.79%	88.29%
02A	84500	-3094	-3.53%	5.22%	85.92%
02B	43891	94	0.21%	9.82%	67.13%
03	126161	-5230	-3.98%	17.86%	57.42%
04	126536	-4855	-3.70%	6.84%	84.30%
05	133491	2100	1.60%	4.92%	88.14%
06	131282	-109	-0.08%	10.84%	66.41%
07A	84123	-3471	-3.96%	3.84%	74.97%
07B	45473	1676	3.83%	4.39%	84.79%
08	128487	-2904	-2.21%	7.02%	49.72%
09A	85573	-2021	-2.31%	6.41%	61.22%
09B	44708	911	2.08%	5.01%	50.86%
10	126173	-5218	-3.97%	6.95%	32.35%
11A	42367	-1430	-3.27%	8.55%	32.77%
11B	84119	-3475	-3.97%	4.55%	71.19%
12A	86473	-1121	-1.28%	8.85%	51.51%
12B	45434	1637	3.74%	13.78%	54.72%
13	131054	-337	-0.26%	11.38%	44.68%
14	127947	-3444	-2.62%	13.20%	44.27%
15	130414	-977	-0.74%	10.55%	48.81%
16	132983	1592	1.21%	9.05%	70.90%
17	134714	3323	2.53%	22.82%	42.36%
18	127768	-3623	-2.76%	27.64%	47.03%
19	128638	-2753	-2.10%	27.43%	38.65%
20	130259	-1132	-0.86%	24.25%	34.03%
21	133497	2106	1.60%	23.00%	34.22%
22	136451	5060	3.85%	32.67%	15.54%
23	135983	4592	3.49%	8.72%	20.66%
24	135504	4113	3.13%	12.54%	6.77%
25	136069	4678	3.56%	9.05%	6.19%
26	135704	4313	3.28%	15.51%	8.01%

District	Adj_Population	Deviation	% Deviation	% Adj_Hispanic Origin	% Adj_NH_AP_Wht
27A	45471	1674	3.82%	8.10%	24.80%
27B	45304	1507	3.44%	6.09%	55.12%
27C	45516	1719	3.92%	4.31%	79.43%
28	136503	5112	3.89%	6.57%	39.59%
29A	45464	1667	3.81%	3.06%	85.94%
29B	44663	866	1.98%	9.22%	60.68%
29C	45479	1682	3.84%	4.48%	81.94%
30A	84165	-3429	-3.91%	14.41%	68.34%
30B	42375	-1422	-3.25%	7.38%	83.50%
31	130883	-508	-0.39%	5.94%	80.53%
32	135064	3673	2.80%	12.70%	46.11%
33A	42189	-1608	-3.67%	8.30%	57.43%
33B	45469	1672	3.82%	5.87%	82.85%
33C	44220	423	0.97%	6.03%	85.32%
34A	86564	-1030	-1.18%	7.81%	56.22%
34B	45371	1574	3.59%	5.52%	80.50%
35A	89285	1691	1.93%	3.27%	90.28%
35B	45509	1712	3.91%	4.17%	88.88%
36	134994	3603	2.74%	6.67%	82.69%
37A	44467	670	1.53%	8.28%	38.50%
37B	90961	3367	3.84%	5.90%	80.07%
38A	45483	1686	3.85%	4.34%	65.39%
38B	44005	208	0.47%	7.63%	61.90%
38C	44762	965	2.20%	3.93%	89.65%
39	133983	2592	1.97%	29.11%	28.47%
40	126162	-5229	-3.98%	4.31%	23.50%
41	126149	-5242	-3.99%	4.37%	28.20%
42A	42855	-942	-2.15%	3.01%	90.86%
42B	42068	-1729	-3.95%	9.01%	64.60%
42C	42680	-1117	-2.55%	3.36%	92.16%
43A	84937	-2657	-3.03%	4.55%	26.86%
43B	42217	-1580	-3.61%	6.11%	65.52%
44A	45093	1296	2.96%	12.59%	53.96%

District	Adj_Population	Deviation	% Deviation	% Adj_Hispanic Origin	% Adj_NH_AP_Wht
44B	87889	295	0.34%	6.25%	31.61%
45	126182	-5209	-3.96%	6.04%	17.49%
46	126149	-5242	-3.99%	18.63%	50.32%
47A	91043	3449	3.94%	39.86%	8.51%
47B	45473	1676	3.83%	67.70%	5.42%

District	% Adj_NH_AP_Blk	% Adj_NH_AP_Asn	% Adj_NH_AP_Oth	% Adj_18+_Pop	% Adj_H18+_Pop
01A	2.67%	0.96%	0.77%	81.13%	1.01%
01B	6.55%	1.48%	0.88%	81.20%	1.35%
01C	6.59%	1.56%	0.91%	80.13%	3.87%
02A	7.42%	2.98%	1.07%	79.08%	4.37%
02B	24.38%	2.88%	1.59%	74.93%	7.92%
03	19.40%	7.85%	1.56%	76.34%	15.28%
04	5.43%	5.29%	1.48%	76.00%	5.70%
05	5.16%	3.50%	1.15%	77.75%	4.00%
06	21.49%	2.64%	1.57%	77.15%	8.68%
07A	14.10%	8.49%	1.33%	79.67%	3.13%
07B	7.79%	4.60%	1.26%	78.32%	3.41%
08	36.31%	8.65%	1.27%	77.32%	5.97%
09A	9.00%	25.54%	1.46%	74.57%	5.63%
09B	11.73%	34.85%	1.41%	75.02%	4.29%
10	55.21%	7.07%	1.24%	77.59%	5.96%
11A	52.59%	7.48%	1.25%	78.56%	7.31%
11B	17.57%	8.02%	1.41%	78.52%	3.81%
12A	26.52%	16.21%	1.61%	77.07%	7.65%
12B	28.19%	5.55%	1.38%	77.16%	11.37%
13	28.51%	18.08%	1.90%	75.08%	9.93%
14	29.37%	15.23%	1.87%	77.35%	11.85%
15	14.35%	28.63%	1.69%	76.30%	9.84%
16	6.50%	16.18%	2.27%	78.48%	8.30%
17	14.71%	21.96%	2.06%	78.14%	20.55%
18	15.33%	11.93%	2.02%	76.71%	25.76%
19	20.49%	14.68%	2.66%	77.95%	24.73%
20	34.38%	9.27%	1.79%	77.45%	21.86%
21	31.75%	12.74%	1.54%	81.47%	19.68%
22	46.21%	6.57%	1.51%	75.08%	29.19%
23	68.00%	4.53%	1.43%	78.40%	7.47%
24	78.76%	3.00%	1.23%	78.06%	10.65%
25	83.74%	2.01%	1.07%	78.85%	7.69%
26	72.63%	4.81%	1.16%	80.07%	12.99%

District	% Adj_NH_AP_Blk	% Adj_NH_AP_Asn	% Adj_NH_AP_Oth	% Adj_18+_Pop	% Adj_H18+_Pop
27A	65.23%	3.62%	1.30%	76.56%	6.84%
27B	37.73%	3.17%	1.46%	77.81%	4.97%
27C	15.61%	2.98%	1.53%	76.48%	3.44%
28	51.30%	4.92%	1.34%	75.92%	5.47%
29A	10.29%	2.47%	1.26%	76.14%	2.56%
29B	27.32%	6.49%	1.40%	75.64%	7.90%
29C	12.39%	3.66%	1.47%	76.83%	3.74%
30A	15.15%	3.51%	1.39%	80.59%	11.49%
30B	8.26%	2.54%	1.44%	78.46%	5.70%
31	10.74%	4.79%	1.57%	77.54%	4.88%
32	35.24%	8.63%	1.58%	76.76%	11.00%
33A	29.17%	8.59%	1.68%	76.06%	7.39%
33B	8.29%	5.36%	1.77%	76.77%	4.83%
33C	6.10%	4.94%	1.62%	75.10%	5.01%
34A	35.00%	3.71%	1.56%	76.53%	6.62%
34B	10.15%	5.85%	1.32%	78.10%	4.74%
35A	4.28%	3.47%	1.37%	78.04%	2.65%
35B	6.61%	1.71%	1.14%	77.10%	3.39%
36	10.15%	1.95%	1.32%	78.76%	5.32%
37A	53.92%	1.65%	0.89%	74.78%	6.89%
37B	13.33%	1.99%	0.92%	80.35%	4.53%
38A	30.05%	1.75%	0.85%	79.21%	3.31%
38B	26.90%	5.47%	1.45%	80.03%	6.29%
38C	5.41%	2.09%	0.95%	84.08%	3.14%
39	24.82%	19.30%	1.79%	75.18%	26.71%
40	69.41%	4.23%	1.09%	81.33%	3.93%
41	65.02%	3.35%	1.34%	79.61%	3.79%
42A	2.68%	4.38%	1.54%	78.92%	2.35%
42B	16.93%	11.23%	1.27%	79.35%	7.71%
42C	3.14%	2.41%	1.20%	79.03%	2.61%
43A	62.29%	8.22%	1.13%	84.03%	4.36%
43B	22.60%	8.19%	1.24%	82.67%	5.55%
44A	23.51%	12.14%	1.41%	76.05%	10.45%

District	% Adj_NH_AP_Bik	% Adj_NH_AP_Asn	% Adj_NH_AP_Oth	% Adj_18+_Pop	% Adj_H18+_Pop
44B	55.48%	8.18%	1.24%	80.06%	5.32%
45	75.87%	1.75%	1.05%	77.59%	5.10%
46	27.27%	5.57%	1.22%	81.86%	15.21%
47A	50.01%	2.28%	1.29%	75.50%	35.82%
47B	23.44%	3.61%	1.03%	74.09%	63.27%

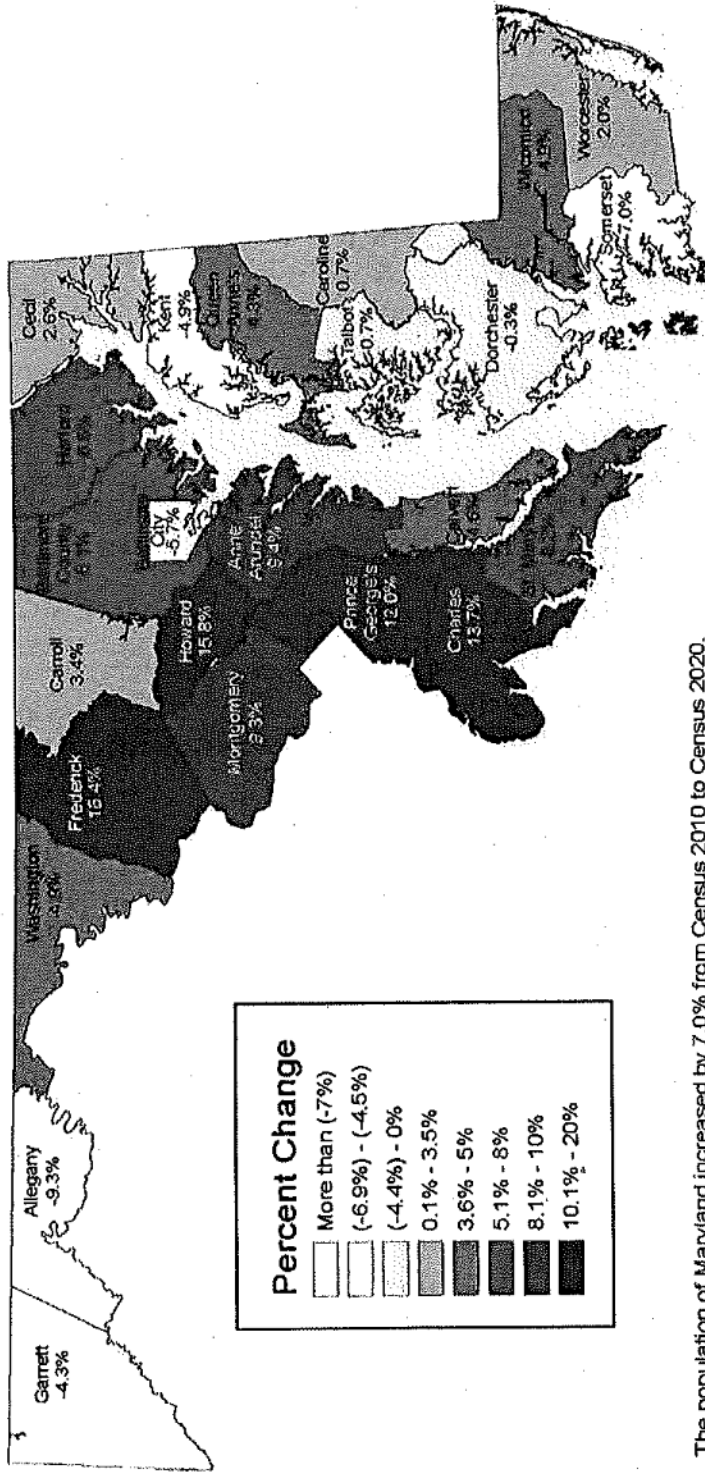
District	% TTNT	% TREG	% DTNT	% DREG	% RTNT	% RREG	% ITNT	% IREG
01A	75.17%	83.48%	72.19%	21.59%	80.01%	62.89%	59.68%	15.52%
01B	69.32%	84.27%	68.41%	31.64%	76.38%	48.83%	53.10%	19.53%
01C	71.38%	82.06%	69.24%	25.34%	78.43%	54.58%	54.93%	20.08%
02A	74.00%	87.03%	74.06%	29.49%	78.96%	48.62%	62.97%	21.87%
02B	58.96%	76.35%	61.82%	45.27%	65.46%	29.39%	46.27%	25.33%
03	76.27%	83.12%	79.69%	48.14%	77.93%	27.20%	67.82%	24.69%
04	80.60%	97.70%	83.55%	32.76%	82.92%	43.29%	72.23%	23.93%
05	80.61%	93.16%	82.39%	27.32%	84.23%	50.14%	70.37%	22.48%
06	63.28%	78.94%	62.70%	47.30%	74.79%	30.70%	48.43%	21.98%
07A	76.19%	90.65%	76.97%	40.92%	81.59%	38.75%	64.43%	20.38%
07B	82.74%	93.85%	82.58%	30.30%	86.82%	48.96%	73.49%	20.67%
08	68.78%	82.88%	70.70%	55.38%	74.64%	24.02%	56.76%	20.60%
09A	82.67%	96.93%	85.01%	41.20%	84.18%	33.75%	76.69%	25.00%
09B	81.69%	86.81%	84.13%	51.05%	82.65%	23.29%	75.96%	25.72%
10	75.78%	85.90%	78.50%	68.14%	77.97%	14.49%	63.48%	17.42%
11A	77.73%	77.92%	80.88%	68.72%	76.88%	14.01%	65.85%	17.40%
11B	78.74%	95.14%	81.45%	56.68%	79.68%	25.08%	69.06%	18.22%
12A	81.15%	89.65%	84.07%	57.10%	80.99%	19.67%	74.09%	23.20%
12B	66.46%	77.74%	68.67%	49.55%	72.88%	26.91%	54.50%	23.60%
13	80.23%	87.70%	83.22%	56.72%	80.96%	18.91%	72.76%	24.38%
14	80.54%	92.12%	83.52%	57.61%	80.51%	20.53%	72.65%	21.80%
15	80.28%	91.80%	83.67%	53.85%	79.79%	18.89%	73.93%	27.29%
16	83.03%	88.62%	86.67%	61.52%	77.97%	15.67%	76.71%	22.81%
17	79.27%	72.32%	83.28%	59.43%	77.13%	14.87%	71.25%	25.69%
18	80.47%	80.21%	83.66%	66.18%	76.47%	12.70%	72.86%	21.12%
19	78.60%	80.54%	81.89%	60.84%	77.46%	16.62%	70.57%	22.56%
20	79.12%	74.79%	82.23%	73.47%	72.37%	7.73%	69.76%	18.80%
21	69.17%	67.04%	73.28%	62.52%	68.69%	15.18%	57.88%	22.25%
22	69.55%	68.65%	72.89%	75.30%	63.28%	6.88%	57.83%	17.83%
23	77.12%	94.54%	80.46%	74.16%	71.83%	10.03%	64.76%	15.81%
24	69.47%	90.54%	72.41%	82.72%	60.18%	4.11%	53.73%	13.13%
25	70.45%	91.29%	73.33%	84.40%	57.77%	3.72%	54.35%	11.96%
26	68.94%	86.57%	71.95%	82.17%	59.69%	4.87%	53.16%	12.92%

District	% TTNT	% TREG	% DTNT	% DREG	% RTNT	% RREG	% ITNT	% IREG
27A	74.49%	96.21%	77.51%	70.65%	75.54%	13.67%	60.00%	15.76%
27B	74.18%	96.91%	77.66%	54.16%	74.93%	26.77%	62.94%	18.87%
27C	73.94%	97.31%	75.74%	36.02%	77.53%	42.73%	63.67%	21.21%
28	77.01%	93.17%	79.65%	60.43%	79.94%	21.62%	64.74%	18.00%
29A	75.54%	89.64%	74.32%	32.26%	81.40%	46.56%	64.49%	21.17%
29B	74.24%	76.41%	75.37%	43.41%	79.38%	32.10%	65.38%	24.38%
29C	73.74%	92.71%	75.73%	33.80%	77.91%	43.10%	63.17%	23.21%
30A	78.98%	89.38%	81.62%	47.82%	80.24%	29.79%	71.67%	22.39%
30B	78.57%	96.21%	80.76%	34.72%	81.61%	42.18%	69.76%	23.10%
31	77.22%	93.78%	78.41%	34.70%	81.42%	41.71%	68.00%	23.55%
32	72.55%	78.89%	75.26%	52.99%	76.06%	23.44%	63.00%	23.58%
33A	77.98%	89.19%	81.42%	48.73%	78.78%	25.78%	70.76%	25.64%
33B	81.35%	99.98%	84.89%	36.26%	82.40%	39.70%	74.22%	24.05%
33C	81.51%	102.08%	85.12%	38.13%	82.74%	38.11%	73.76%	23.76%
34A	73.34%	86.95%	75.41%	48.71%	79.65%	27.99%	61.51%	23.32%
34B	81.06%	92.10%	82.64%	34.34%	84.27%	43.01%	72.60%	22.67%
35A	82.81%	96.37%	82.75%	26.33%	86.52%	53.01%	73.27%	20.73%
35B	69.37%	86.47%	67.98%	28.64%	76.50%	47.94%	56.32%	23.26%
36	76.11%	87.98%	75.26%	33.56%	82.10%	44.76%	65.08%	21.69%
37A	63.19%	78.16%	63.00%	58.89%	75.39%	22.56%	48.44%	18.30%
37B	79.30%	89.94%	78.95%	34.76%	84.81%	46.08%	66.93%	19.30%
38A	74.93%	84.59%	72.41%	40.87%	83.18%	41.32%	61.24%	17.71%
38B	73.12%	71.99%	73.99%	43.40%	80.37%	34.93%	59.78%	21.75%
38C	78.85%	92.29%	78.28%	30.08%	84.08%	48.42%	67.82%	21.46%
39	76.11%	76.31%	79.21%	59.56%	77.08%	15.03%	68.31%	25.45%
40	54.27%	85.77%	57.19%	80.54%	45.42%	5.52%	40.90%	13.93%
41	63.75%	88.15%	66.72%	80.68%	57.52%	7.00%	48.15%	12.39%
42A	83.59%	100.80%	86.68%	33.65%	85.09%	45.74%	75.11%	20.52%
42B	78.14%	81.13%	81.11%	49.00%	80.14%	29.77%	68.43%	21.16%
42C	80.12%	93.21%	80.89%	25.59%	84.39%	53.38%	68.58%	21.27%
43A	63.51%	83.38%	66.79%	82.22%	49.80%	4.72%	47.95%	13.04%
43B	79.68%	69.43%	83.17%	60.06%	79.09%	20.87%	69.36%	19.16%
44A	69.82%	73.50%	71.88%	53.19%	76.23%	24.97%	57.87%	21.98%

District	% TTNT	% TREG	% DTNT	% DREG	% RTNT	% RREG	% ITNT	% IREG
44B	74.25%	85.08%	76.88%	70.38%	76.81%	13.51%	60.14%	15.98%
45	57.21%	88.56%	60.14%	80.62%	50.55%	6.40%	42.16%	12.95%
46	62.91%	74.50%	66.24%	65.60%	59.40%	13.96%	54.47%	20.39%
47A	65.26%	63.63%	68.27%	79.72%	60.12%	4.94%	51.20%	15.33%
47B	62.85%	39.26%	66.67%	73.86%	58.04%	6.86%	50.49%	19.45%

EXHIBIT G

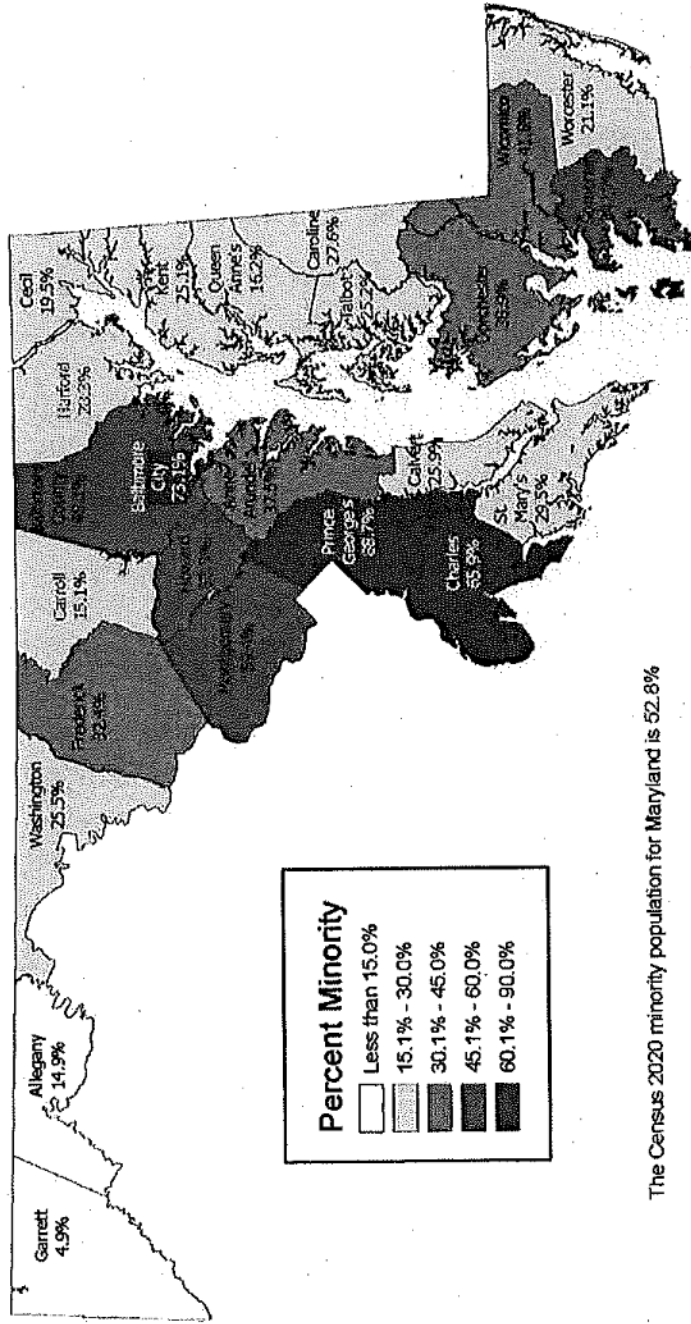
Percent Population Change for Maryland's Jurisdictions Census 2010 to Census 2020



The population of Maryland increased by 7.0% from Census 2010 to Census 2020.

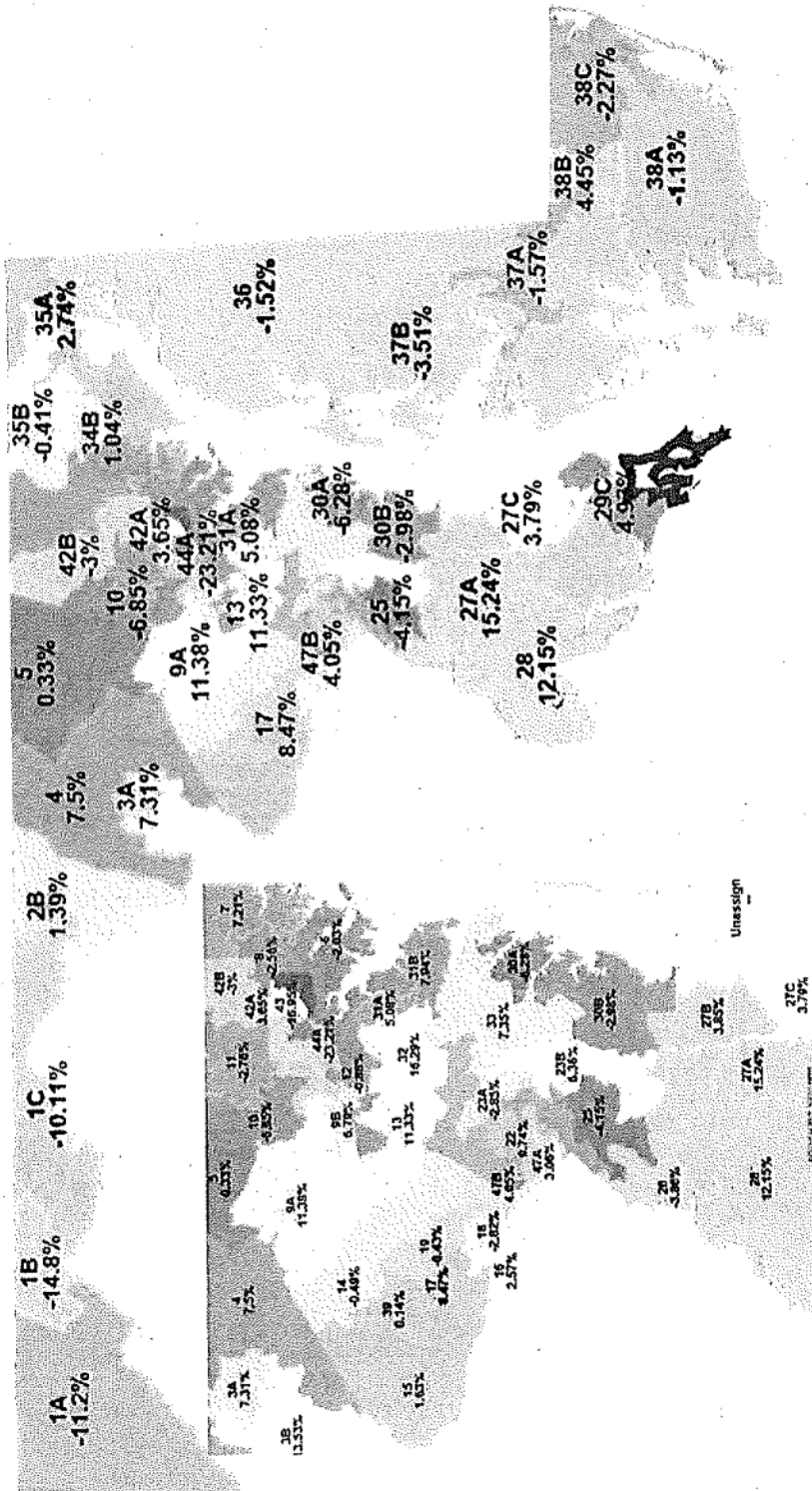


Percent of Minority Population for Maryland's Jurisdictions, Census 2020



The Census 2020 minority population for Maryland is 52.8%

Malapportionment in Existing Districts



Maryland Prisoner Reallocation

	No. of Prison Records Involved	19,802
Pursuant to Chapter 67 of 2010	No. of Correctional Facilities	25
Baltimore City	No. of Prisoners Relocated	15,242
Baltimore County	No. of Census Blocks Adjusted	9,663
Prince Georges		

Maryland's Adjusted Population is
6,175,403

Ideal Populations for Districts

Congressional District (8): **771,925***

Senatorial District (47): **131,391**

Two Member Delegate District: **87,594**

Single-Member Delegate District: **43,797**

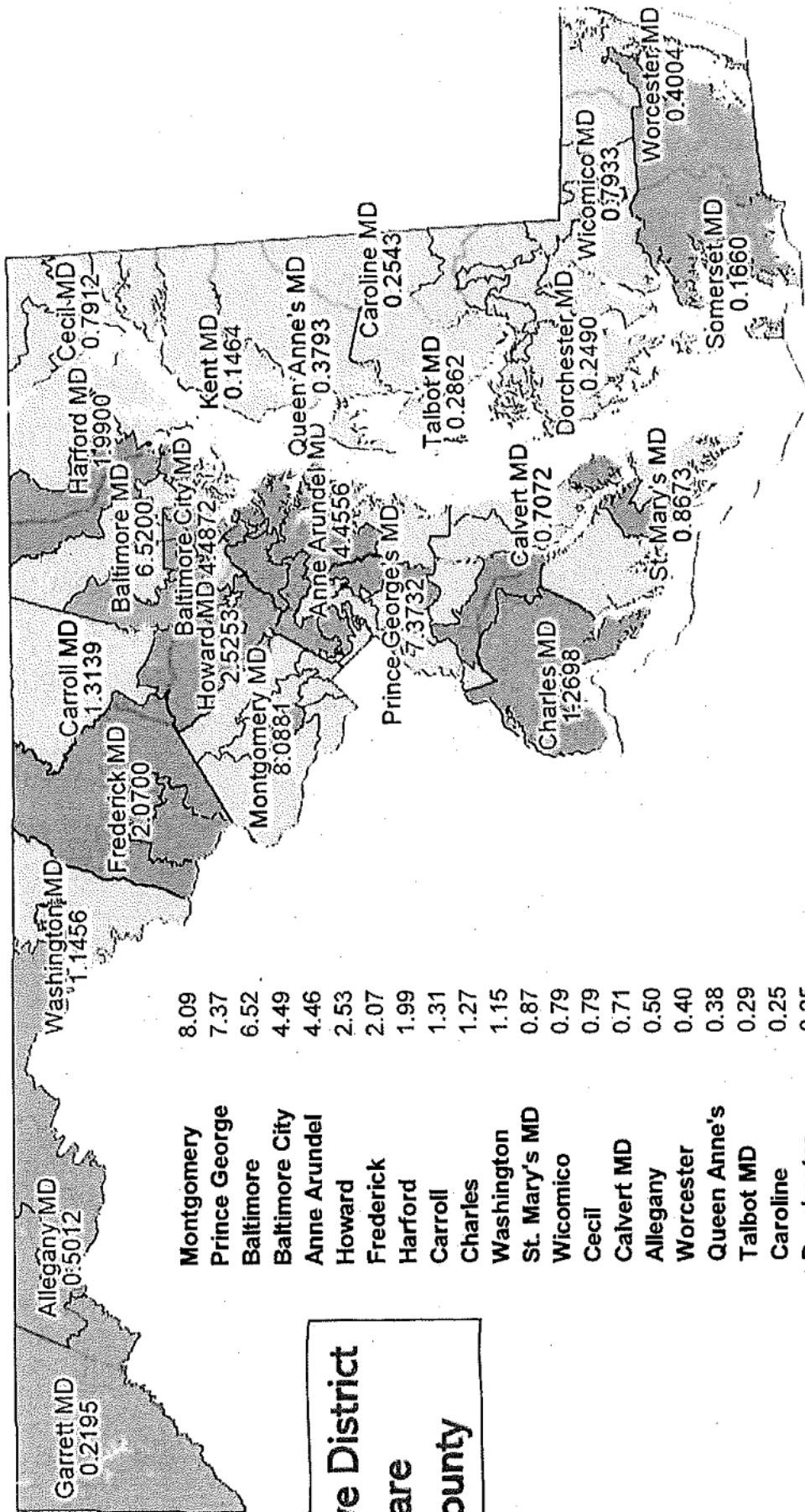


EXHIBIT H

2002 LEGISLATIVE DISTRICT PLAN

As Ordered by the Court of Appeals, June 21, 2002

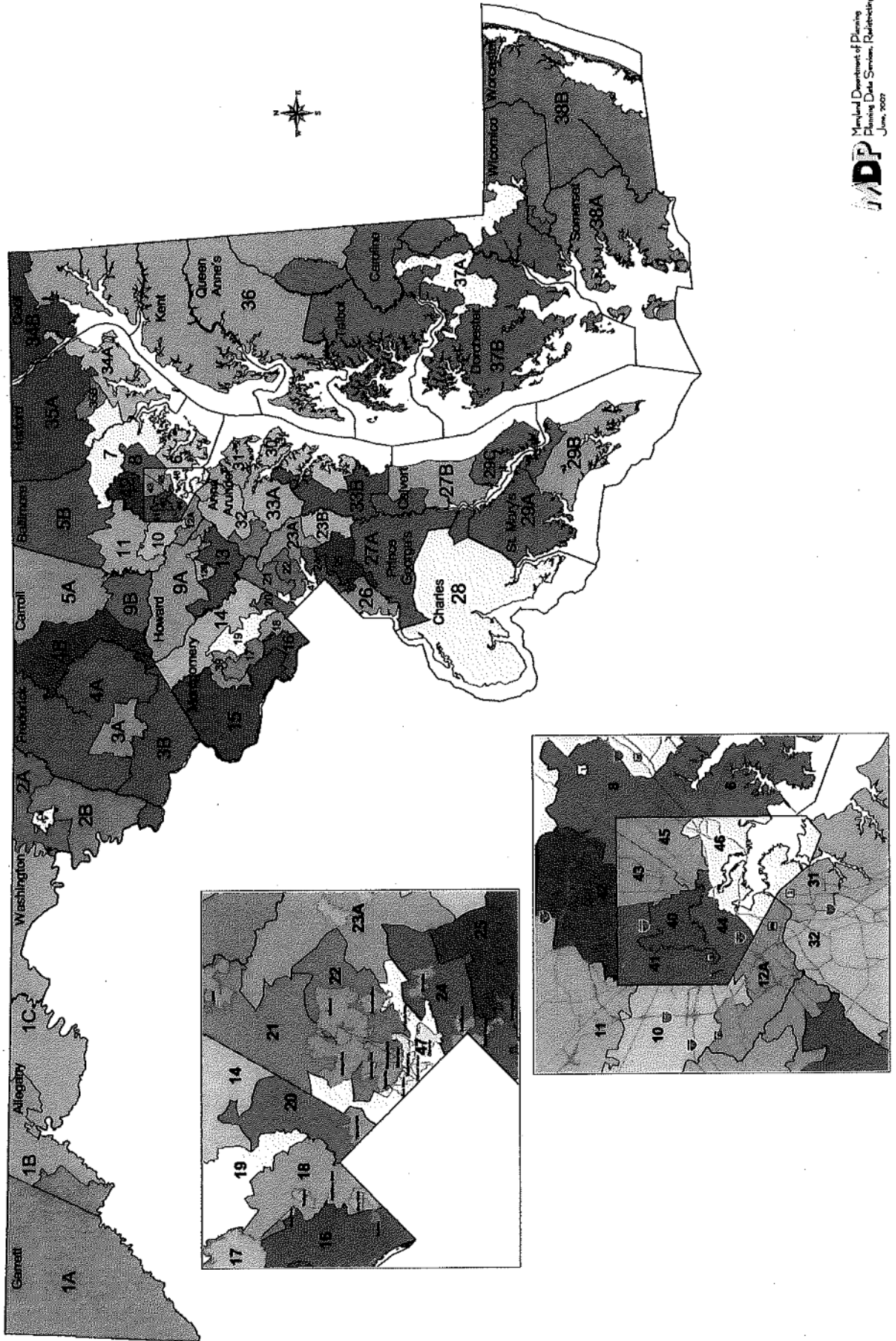


EXHIBIT I

Table 4

2020 and 2010 Census Population by Jurisdiction

State/Region/Jurisdiction	2020	2010	Change	Percent Change
Maryland	6,177,224	5,773,552	403,672	7.0%
Baltimore Region	2,794,636	2,662,691	131,945	5.0%
Anne Arundel	588,261	537,656	50,605	9.4%
Baltimore County	854,535	805,029	49,506	6.1%
Carroll	172,891	167,134	5,757	3.4%
Harford	260,924	244,826	16,098	6.6%
Howard	332,317	287,085	45,232	15.8%
Baltimore City	585,708	620,961	-35,253	-5.7%
Suburban Washington Region	2,300,979	2,068,582	232,397	11.2%
Frederick	271,717	233,385	38,332	16.4%
Montgomery	1,062,061	971,777	90,284	9.3%
Prince George's	967,201	863,420	103,781	12.0%
Southern Maryland Region	373,177	340,439	32,738	9.6%
Calvert	92,783	88,737	4,046	4.6%
Charles	166,617	146,551	20,066	13.7%
St. Mary's	113,777	105,151	8,626	8.2%
Western Maryland Region	251,617	252,614	-997	-0.4%
Allegany	68,106	75,087	-6,981	-9.3%
Garrett	28,806	30,097	-1,291	-4.3%
Washington	154,705	147,430	7,275	4.9%
Upper Eastern Shore Region	243,616	239,951	3,665	1.5%
Caroline	33,293	33,066	227	0.7%
Cecil	103,725	101,108	2,617	2.6%
Kent	19,198	20,197	-999	-4.9%
Queen Anne's	49,874	47,798	2,076	4.3%
Talbot	37,526	37,782	-256	-0.7%
Lower Eastern Shore Region	213,199	209,275	3,924	1.9%
Dorchester	32,531	32,618	-87	-0.3%
Somerset	24,620	26,470	-1,850	-7.0%
Wicomico	103,588	98,733	4,855	4.9%
Worcester	52,460	51,454	1,006	2.0%

Source: U.S. Census Bureau's 2020 and 2010 Census Data

Prepared by the Maryland Department of Planning from U.S. Census Bureau's P.L. 94-171 data.

Released August 12, 2021

EXHIBIT J



2012 MD Legislative District Deviations (No. of Members)

District Statistics

Wednesday, October 13, 2021

District Statistics

District 01A

Population Statistics

Ideal Population:	43,797	Absolute Deviation:	-4,841
Actual Population:	38,956	Relative Deviation:	-11.05%

District 01B

Population Statistics

Ideal Population:	43,797	Absolute Deviation:	-8,775
Actual Population:	35,022	Relative Deviation:	-20.04%

District 01C

Population Statistics

Ideal Population:	43,797	Absolute Deviation:	-4,344
Actual Population:	39,453	Relative Deviation:	-9.92%

District 02A

Population Statistics

Number of Members	2		
Ideal Population:	87,594	Absolute Deviation:	-493
Actual Population:	87,101	Relative Deviation:	-0.56%

District 02B

Population Statistics

Ideal Population:	43,797	Absolute Deviation:	886
Actual Population:	44,683	Relative Deviation:	2.02%

District 03A

Population Statistics

Number of Members	2		
Ideal Population:	87,594	Absolute Deviation:	6,575
Actual Population:	94,169	Relative Deviation:	7.51%

District 03B

Population Statistics

Ideal Population:	43,797	Absolute Deviation:	5,979
Actual Population:	49,776	Relative Deviation:	13.65%

District 04

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	9,995
Actual Population:	141,386	Relative Deviation:	7.61%

District 05

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	617
Actual Population:	132,008	Relative Deviation:	0.47%

District 06

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	-2,033
Actual Population:	129,358	Relative Deviation:	-1.55%

District 07

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	9,735
Actual Population:	141,126	Relative Deviation:	7.41%

District 08

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	-2,983
Actual Population:	128,408	Relative Deviation:	-2.27%

District 9A

Population Statistics

Number of Members	2		
Ideal Population:	87,594	Absolute Deviation:	9,600
Actual Population:	97,194	Relative Deviation:	10.96%

District 9B

Population Statistics

Ideal Population:	43,797	Absolute Deviation:	3,008
Actual Population:	46,805	Relative Deviation:	6.87%

District 10

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	-8,591
Actual Population:	122,800	Relative Deviation:	-6.54%

District 11

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	-3,415
Actual Population:	127,976	Relative Deviation:	-2.60%

District 12

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	-930
Actual Population:	130,461	Relative Deviation:	-0.71%

District 13

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	14,325
Actual Population:	145,716	Relative Deviation:	10.90%

District 14

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	-526
Actual Population:	130,865	Relative Deviation:	-0.40%

District 15

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	2,247
Actual Population:	133,638	Relative Deviation:	1.71%

District 16

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	3,424
Actual Population:	134,815	Relative Deviation:	2.61%

District 17

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	11,275
Actual Population:	142,666	Relative Deviation:	8.58%

District 18

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	-3,593
Actual Population:	127,798	Relative Deviation:	-2.73%

District 19

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	-429
Actual Population:	130,962	Relative Deviation:	-0.33%

District 20

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	-1,162
Actual Population:	130,229	Relative Deviation:	-0.88%

District 21

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	15,971
Actual Population:	147,362	Relative Deviation:	12.16%

District 22

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	13,012
Actual Population:	144,403	Relative Deviation:	9.90%

District 23A

Population Statistics

Ideal Population:	43,797	Absolute Deviation:	-1,199
Actual Population:	42,598	Relative Deviation:	-2.74%

District 23B

Population Statistics

Number of Members	2		
Ideal Population:	87,594	Absolute Deviation:	5,690
Actual Population:	93,284	Relative Deviation:	6.50%

District 24

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	-1,458
Actual Population:	129,933	Relative Deviation:	-1.11%

District 25

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	-5,145
Actual Population:	126,246	Relative Deviation:	-3.92%

District 26

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	-4,779
Actual Population:	126,612	Relative Deviation:	-3.64%

District 27A

Population Statistics

Ideal Population:	43,797	Absolute Deviation:	6,781
Actual Population:	50,578	Relative Deviation:	15.48%

District 27B

Population Statistics

Ideal Population:	43,797	Absolute Deviation:	1,745
Actual Population:	45,542	Relative Deviation:	3.98%

District 27C

Population Statistics

Ideal Population:	43,797	Absolute Deviation:	1,751
Actual Population:	45,548	Relative Deviation:	4.00%

District 28

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	16,190
Actual Population:	147,581	Relative Deviation:	12.32%

District 29A

Population Statistics

Ideal Population:	43,797	Absolute Deviation:	1,208
Actual Population:	45,005	Relative Deviation:	2.76%

District 29B

Population Statistics

Ideal Population:	43,797	Absolute Deviation:	921
Actual Population:	44,718	Relative Deviation:	2.10%

District 29C

Population Statistics

Ideal Population:	43,797	Absolute Deviation:	2,240
Actual Population:	46,037	Relative Deviation:	5.11%

District 30A

Population Statistics

Number of Members	2		
Ideal Population:	87,594	Absolute Deviation:	-5,303
Actual Population:	82,291	Relative Deviation:	-6.05%

District 30B

Population Statistics

Ideal Population:	43,797	Absolute Deviation:	-1,232
Actual Population:	42,565	Relative Deviation:	-2.81%

District 31A

Population Statistics

Ideal Population:	43,797	Absolute Deviation:	2,379
Actual Population:	46,176	Relative Deviation:	5.43%

District 31B

Population Statistics

Number of Members	2		
Ideal Population:	87,594	Absolute Deviation:	7,091
Actual Population:	94,685	Relative Deviation:	8.10%

District 32

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	18,050
Actual Population:	149,441	Relative Deviation:	13.74%

District 33

Population Statistics

Number of Members	3		
Ideal Population:	131,391	Absolute Deviation:	9,786
Actual Population:	141,177	Relative Deviation:	7.45%

District 34A

Population Statistics

Number of Members	2		
Ideal Population:	87,594	Absolute Deviation:	-762
Actual Population:	86,832	Relative Deviation:	-0.87%

District 34B

Population Statistics

Ideal Population:	43,797	Absolute Deviation:	511
Actual Population:	44,308	Relative Deviation:	1.17%

District 35A

Population Statistics

Ideal Population:	43,797	Absolute Deviation:	1,306
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Actual Population: 45,103 Relative Deviation: 2.98%

District 35B

Population Statistics

Number of Members 2
Ideal Population: 87,594 Absolute Deviation: -207
Actual Population: 87,387 Relative Deviation: -0.24%

District 36

Population Statistics

Number of Members 3
Ideal Population: 131,391 Absolute Deviation: -1,792
Actual Population: 129,599 Relative Deviation: -1.36%

District 37A

Population Statistics

Ideal Population: 43,797 Absolute Deviation: -182
Actual Population: 43,615 Relative Deviation: -0.42%

District 37B

Population Statistics

Number of Members 2
Ideal Population: 87,594 Absolute Deviation: -2,833
Actual Population: 84,761 Relative Deviation: -3.23%

District 38A

Population Statistics

Ideal Population: 43,797 Absolute Deviation: -3,206
Actual Population: 40,591 Relative Deviation: -7.32%

District 38B

Population Statistics

Ideal Population: 43,797 Absolute Deviation: 2,161
Actual Population: 45,958 Relative Deviation: 4.93%

District 38C

Population Statistics

Ideal Population: 43,797 Absolute Deviation: -885
Actual Population: 42,912 Relative Deviation: -2.02%

District 39

Population Statistics

Number of Members 3
Ideal Population: 131,391 Absolute Deviation: 346
Actual Population: 131,737 Relative Deviation: 0.26%

District 40

Population Statistics

Number of Members 3
Ideal Population: 131,391 Absolute Deviation: -27,941
Actual Population: 103,450 Relative Deviation: -21.27%

District 41

Population Statistics

Number of Members 3
Ideal Population: 131,391 Absolute Deviation: -21,922

Actual Population: 109,469 Relative Deviation: -16.68%

District 42A

Population Statistics

Ideal Population: 43,797 Absolute Deviation: 1,634
Actual Population: 45,431 Relative Deviation: 3.73%

District 42B

Population Statistics

Number of Members 2
Ideal Population: 87,594 Absolute Deviation: -2,518
Actual Population: 85,076 Relative Deviation: -2.87%

District 43

Population Statistics

Number of Members 3
Ideal Population: 131,391 Absolute Deviation: -21,295
Actual Population: 110,096 Relative Deviation: -16.21%

District 44A

Population Statistics

Ideal Population: 43,797 Absolute Deviation: -9,585
Actual Population: 34,212 Relative Deviation: -21.89%

District 44B

Population Statistics

Number of Members 2
Ideal Population: 87,594 Absolute Deviation: -6,374
Actual Population: 81,220 Relative Deviation: -7.28%

District 45

Population Statistics

Number of Members 3
Ideal Population: 131,391 Absolute Deviation: -22,651
Actual Population: 108,740 Relative Deviation: -17.24%

District 46

Population Statistics

Number of Members 3
Ideal Population: 131,391 Absolute Deviation: -7,779
Actual Population: 123,612 Relative Deviation: -5.92%

District 47A

Population Statistics

Number of Members 2
Ideal Population: 87,594 Absolute Deviation: 2,893
Actual Population: 90,487 Relative Deviation: 3.30%

District 47B

Population Statistics

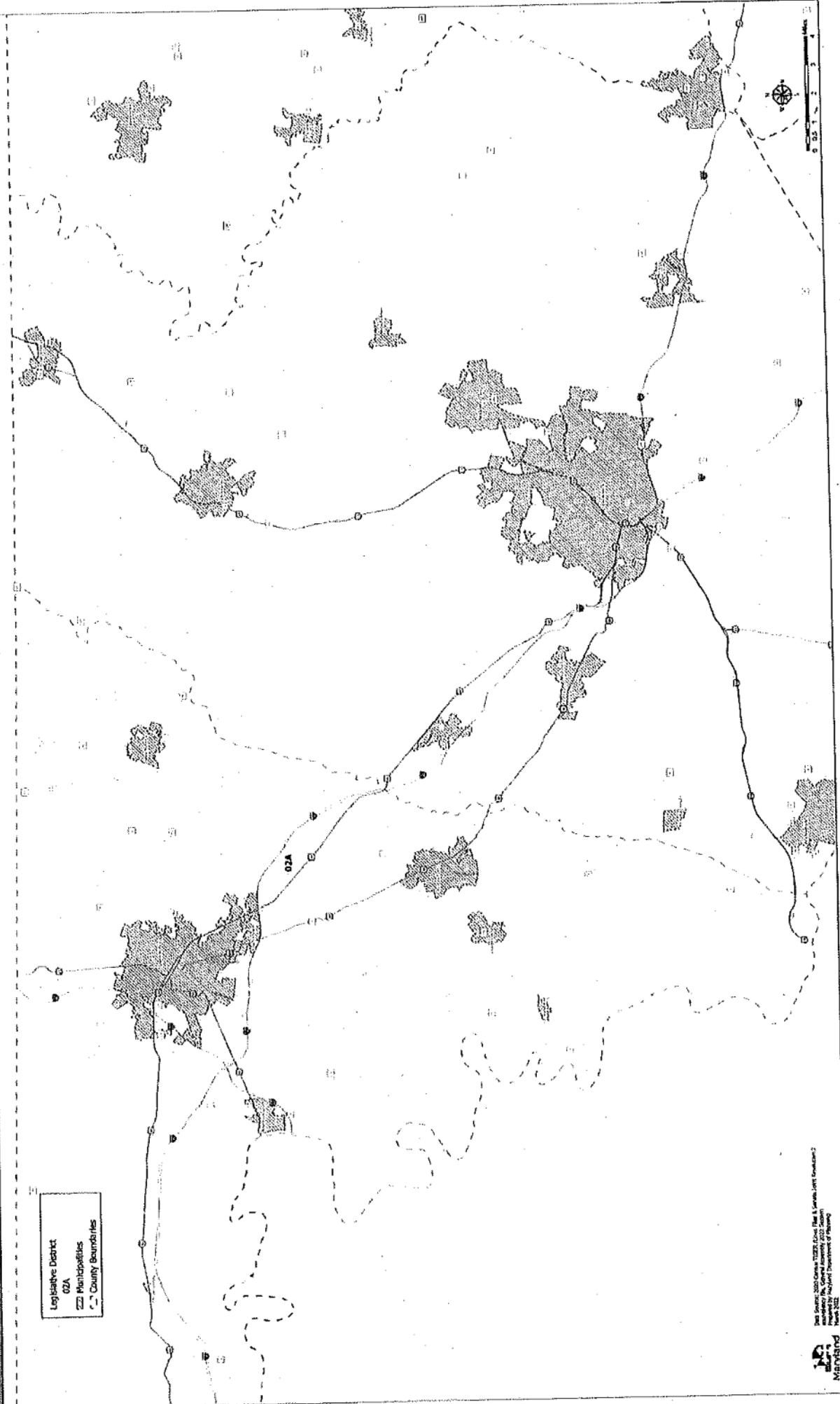
Ideal Population: 43,797 Absolute Deviation: 1,857
Actual Population: 45,654 Relative Deviation: 4.24%

EXHIBIT K-1

District 2

Maryland 2022 Legislative Districts District 02A

Senate Joint Resolution 2 - General Assembly 2022 Session



Legislative District
02A
Municipalities
County Boundaries

Maryland 2022 Legislative Districts District 02B

Senate Joint Resolution 2 - General Assembly 2022 Session



Legislative District
02B
Municipalities
County Boundaries



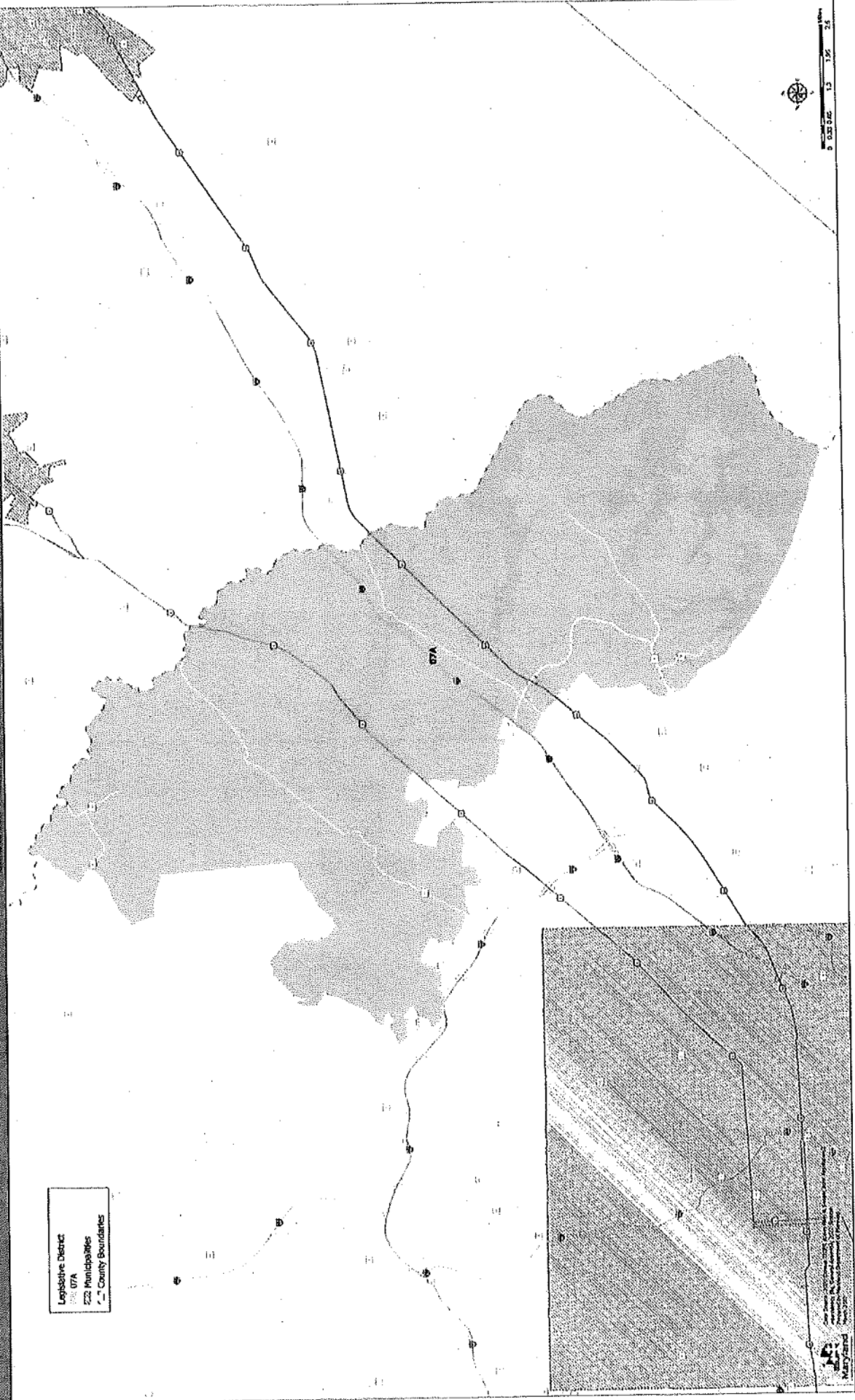
0 0.1 0.2 0.3 0.4 0.5 0.6 Miles

EXHIBIT K-2

District 7

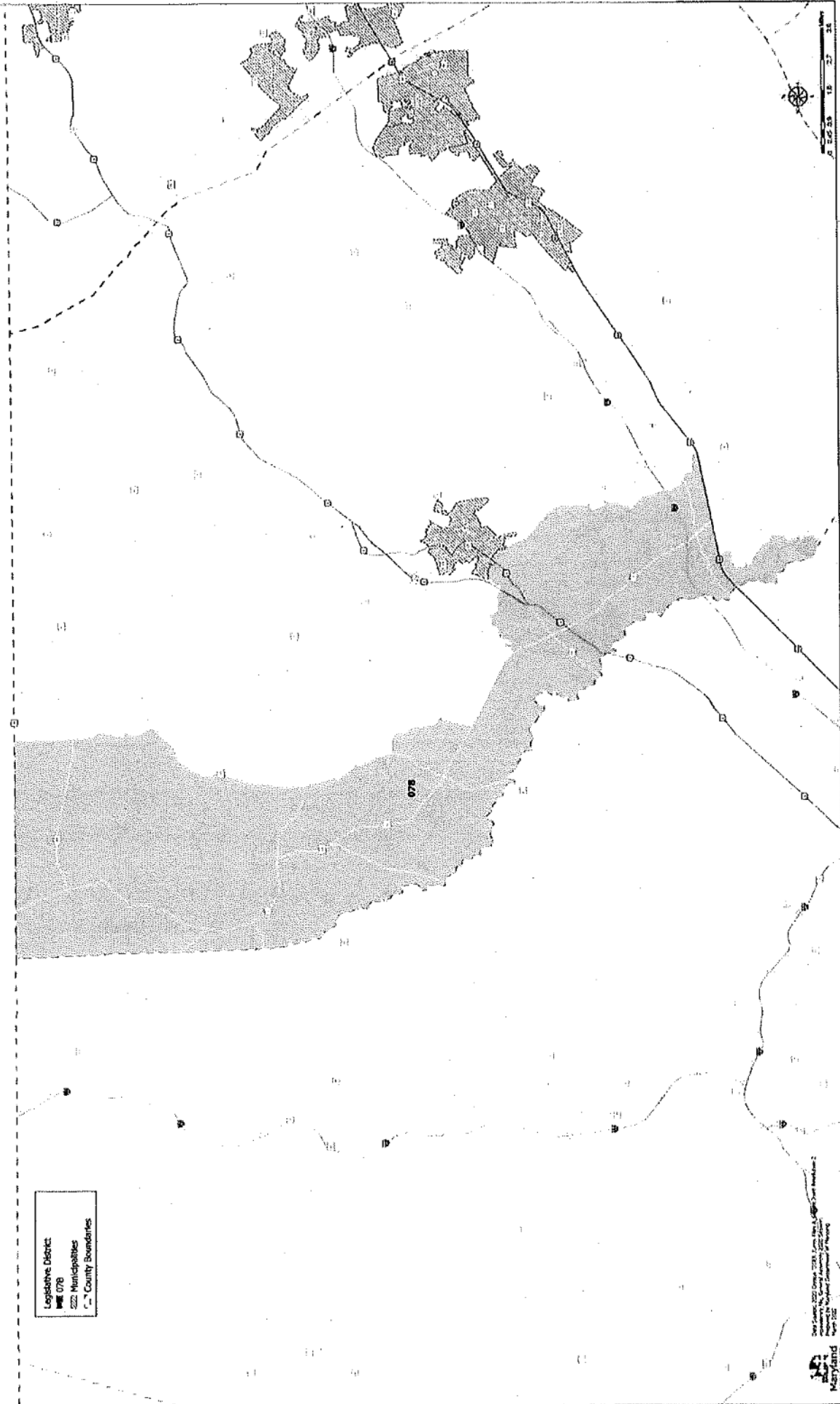
Maryland 2022 Legislative Districts District 07A

Senate Joint Resolution 2 - General Assembly 2022 Session



Maryland 2022 Legislative Districts District 07B

Senate Joint Resolution 2 - General Assembly 2022 Session



Legislative District
07B
Municipalities
County Boundaries

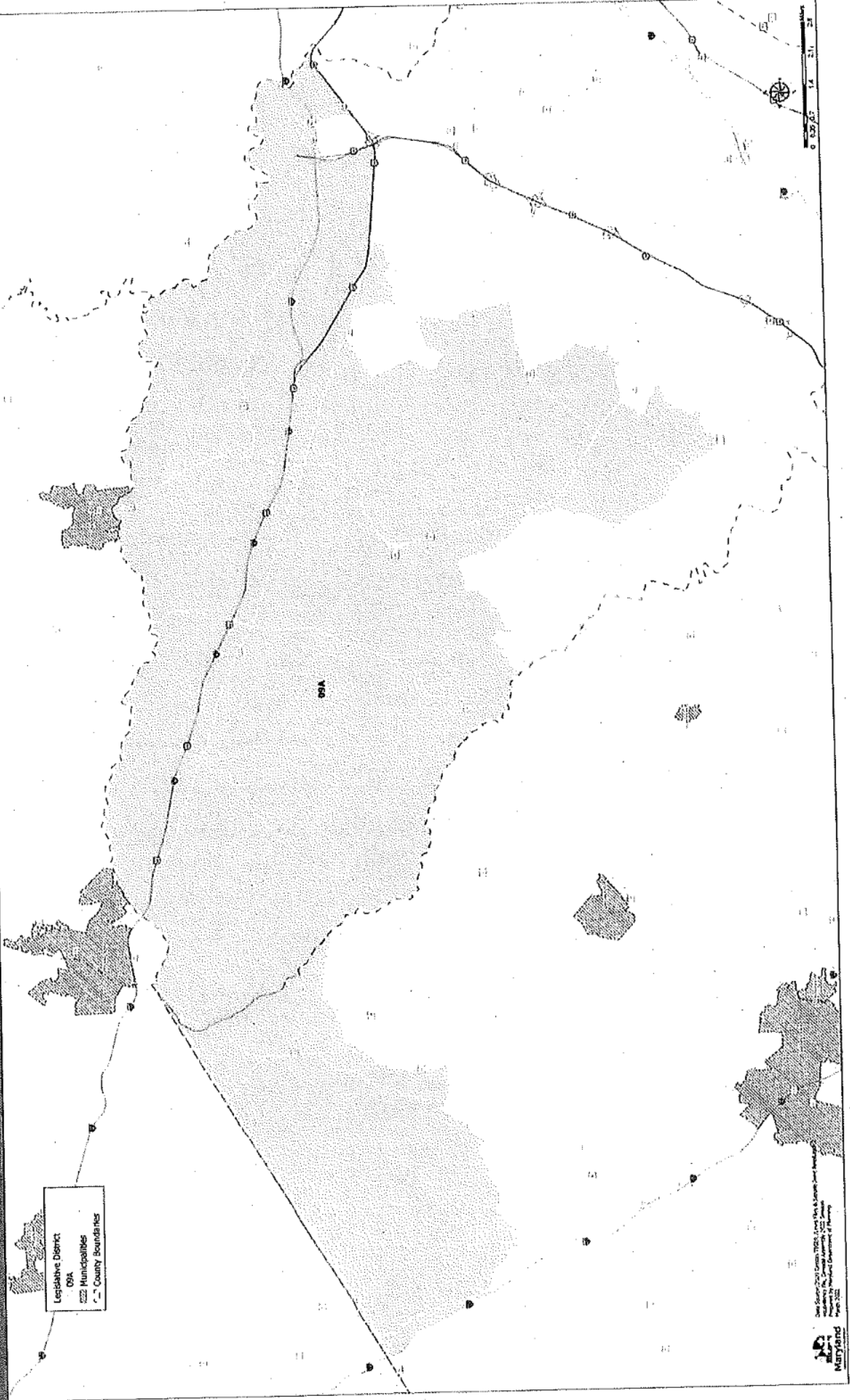
EXHIBIT K-3

District 9

Maryland 2022 Legislative Districts

District 09A

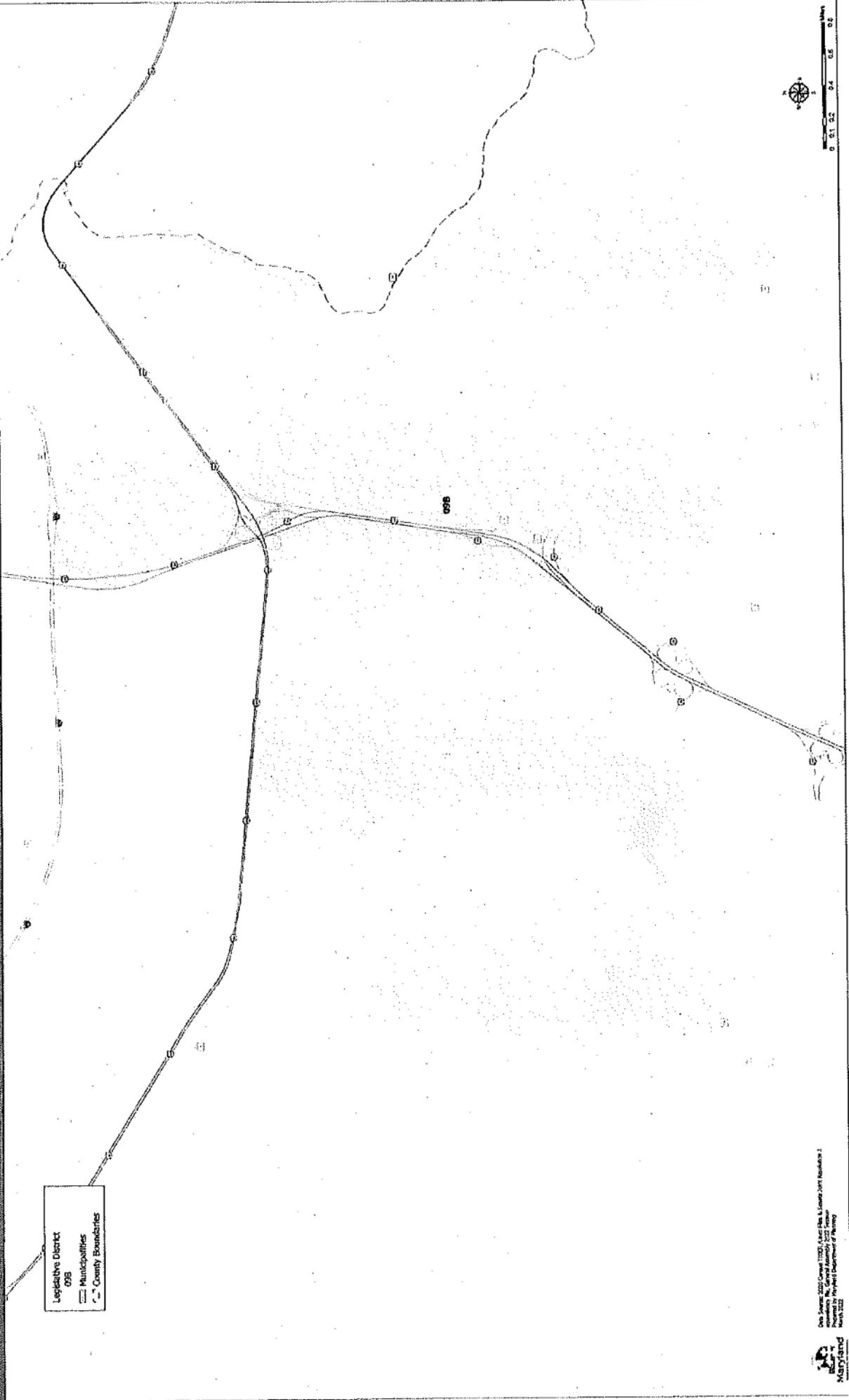
Senate Joint Resolution 2 - General Assembly 2022 Session



Legislative District
09A
Municipalities
County Boundaries

Maryland 2022 Legislative Districts District 09B

Senate Joint Resolution 2 - General Assembly 2022 Session



Legislative District
 09B
 Municipalities
 County Boundaries

EXHIBIT K-4

District 11

Maryland 2022 Legislative Districts District 11A

Senate Joint Resolution 2 - General Assembly 2022 Session



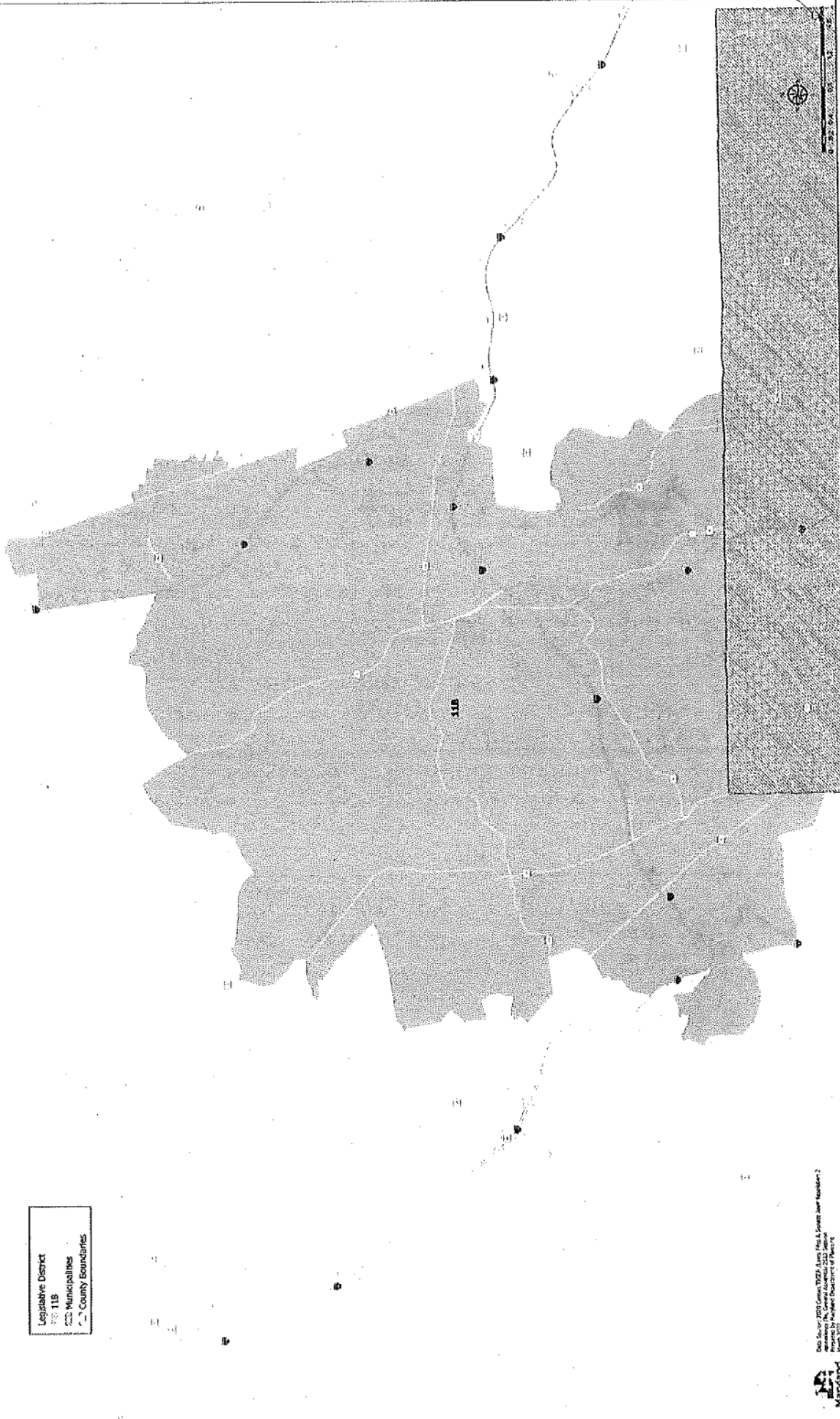
Legislative District
11A
Municipalities
County Boundaries

Date Shown: 2022 Census (2020) June 14, 2022
Maryland State Board of Elections
2022 Legislative Districts
June 2022



Maryland 2022 Legislative Districts District 11B

Senate Joint Resolution 2 - General Assembly 2022 Session



Legislative District
11B
Municipalities
County Boundaries



Scale: 1 inch = 10 miles

EXHIBIT K-5

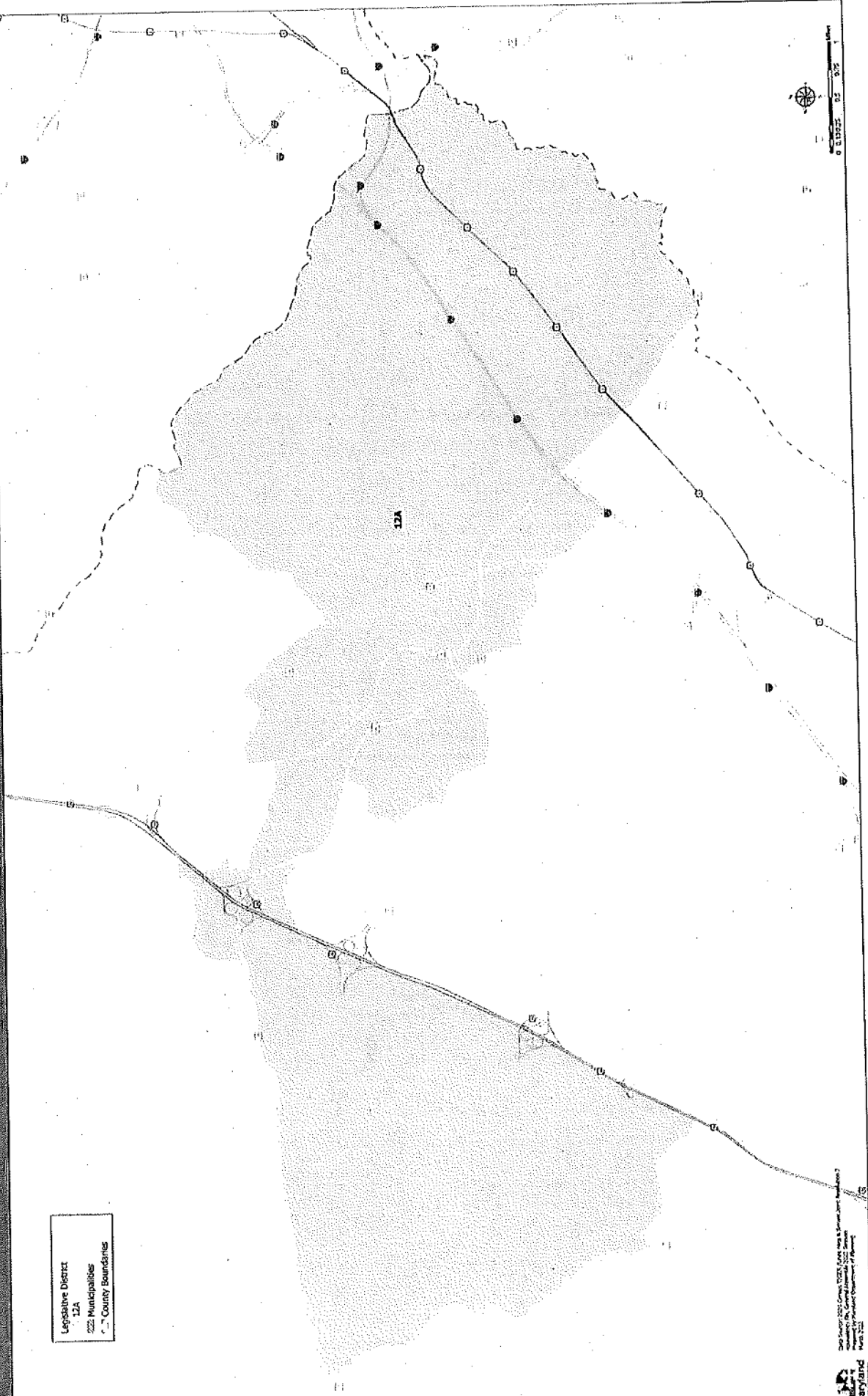
District 12

Maryland 2022 Legislative Districts

District 12A

Senate Joint Resolution 2 - General Assembly 2022 Session

Legislative District
12A
Municipalities
County Boundaries

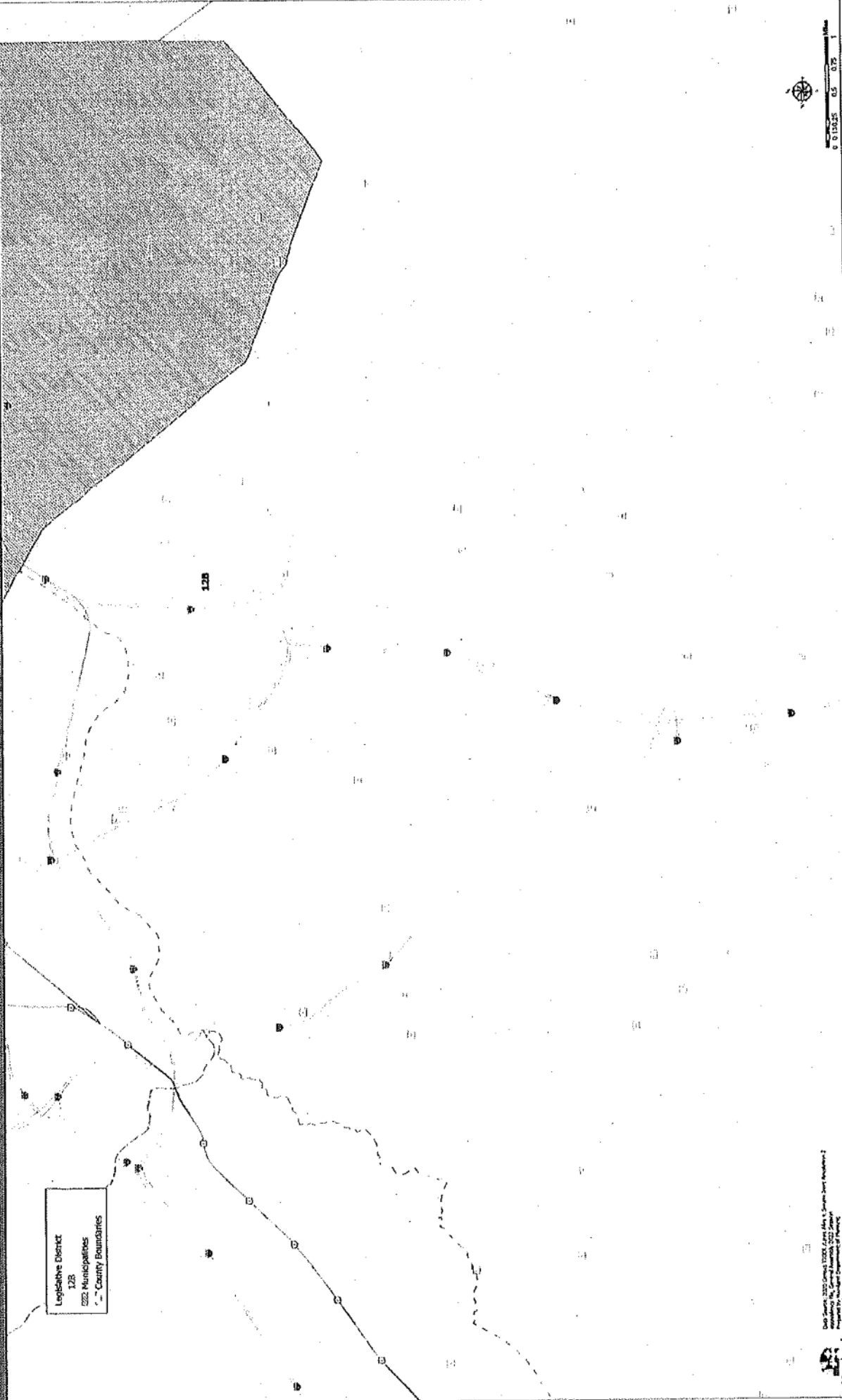


2022 Legislative Districts
Created by the General Assembly, 2022 Session
Approved by the President of the Senate
April 2022



Maryland 2022 Legislative Districts District 12B

Senate Joint Resolution 2 - General Assembly 2022 Session



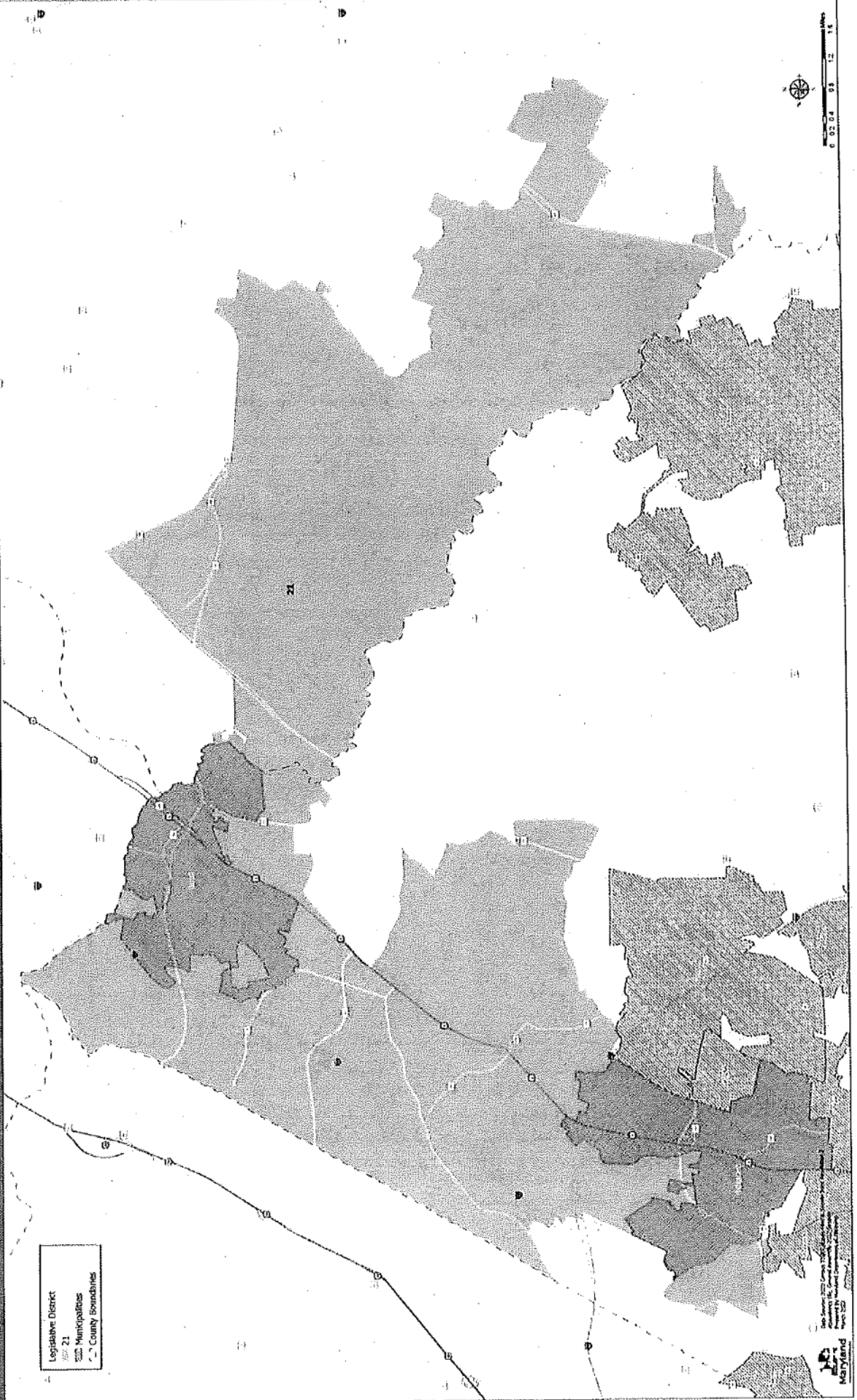
Legislative District
12B
□□□ Municipalities
--- County Boundaries

EXHIBIT K-6

District 21

Maryland 2022 Legislative Districts District 21

Senate Joint Resolution 2 - General Assembly 2022 Session



Legislative District
21
Municipalities
County Boundaries



0 0.5 1 1.5 2 2.5 3 3.5 4 4.5 5 5.5 6 Miles

Map of Maryland
2022

EXHIBIT K-7

District 22

Maryland 2022 Legislative Districts District 22

Senate Joint Resolution 2 - General Assembly 2022 Session

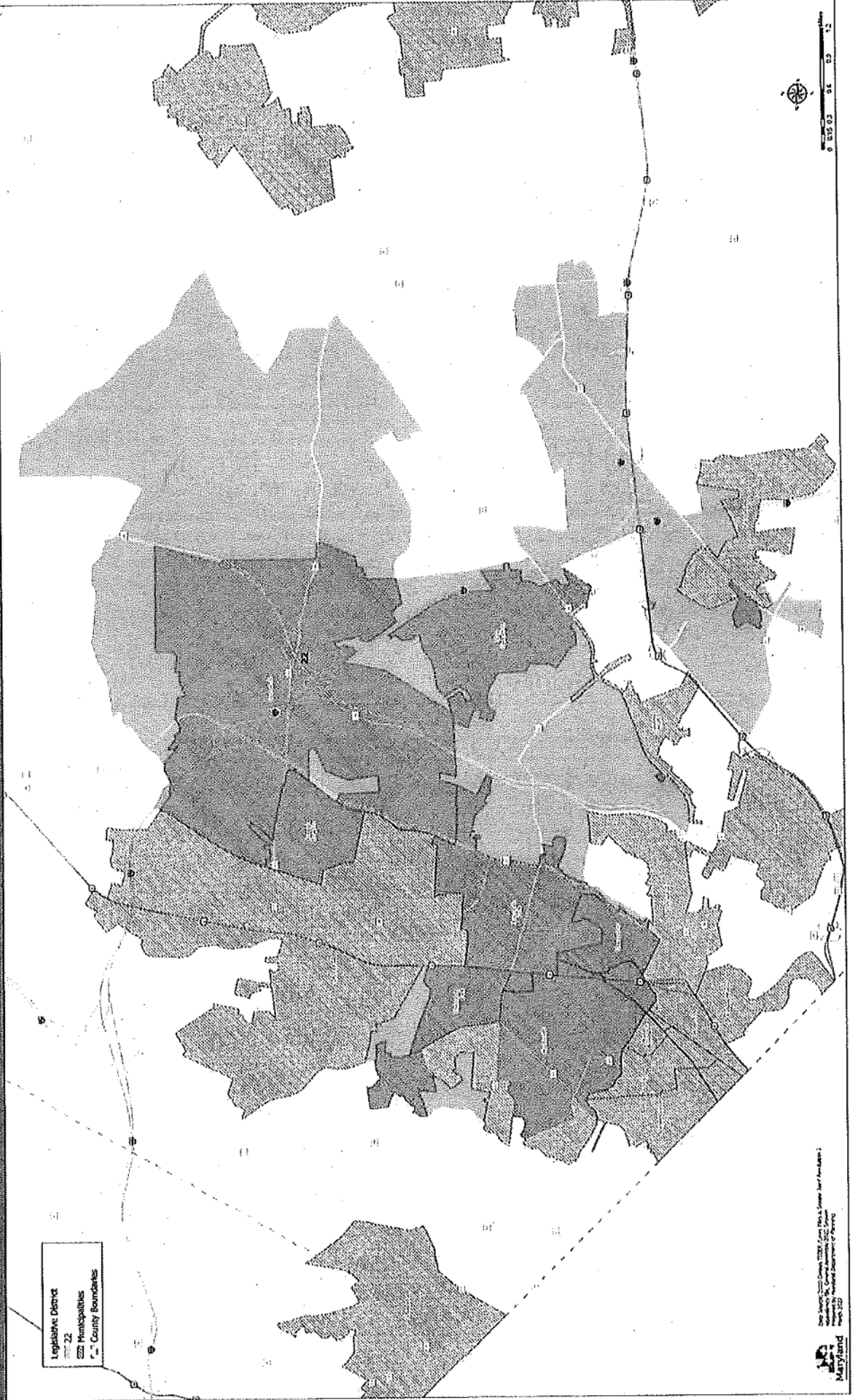
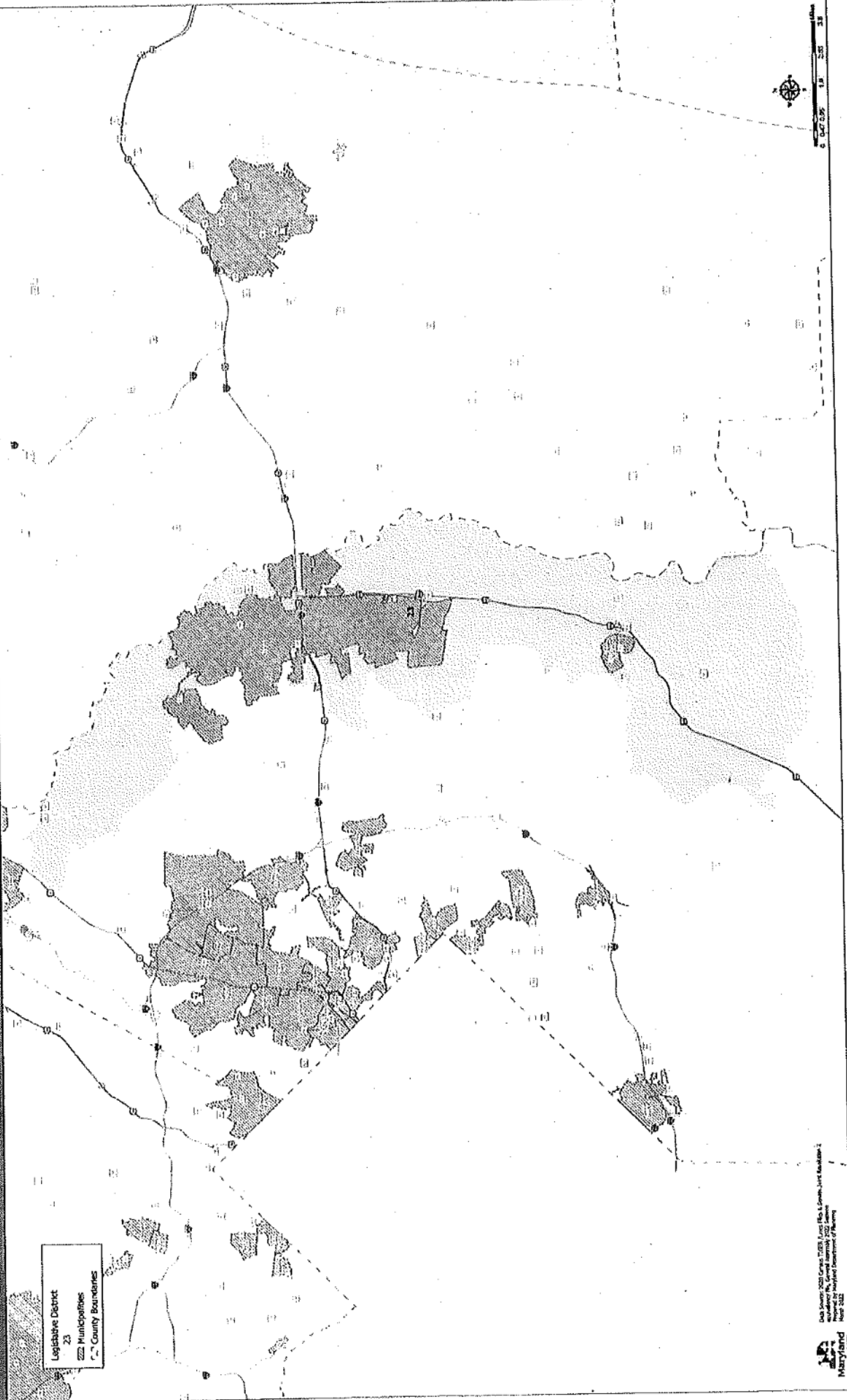


EXHIBIT K-8

District 23

Maryland 2022 Legislative Districts District 23

Senate Joint Resolution 2 - General Assembly 2022 Session



Map Source: 2022 Census Tracts, Localities, and County Boundaries
Maryland, General Assembly, 2022 Session
Senate Joint Resolution 2
March 2022

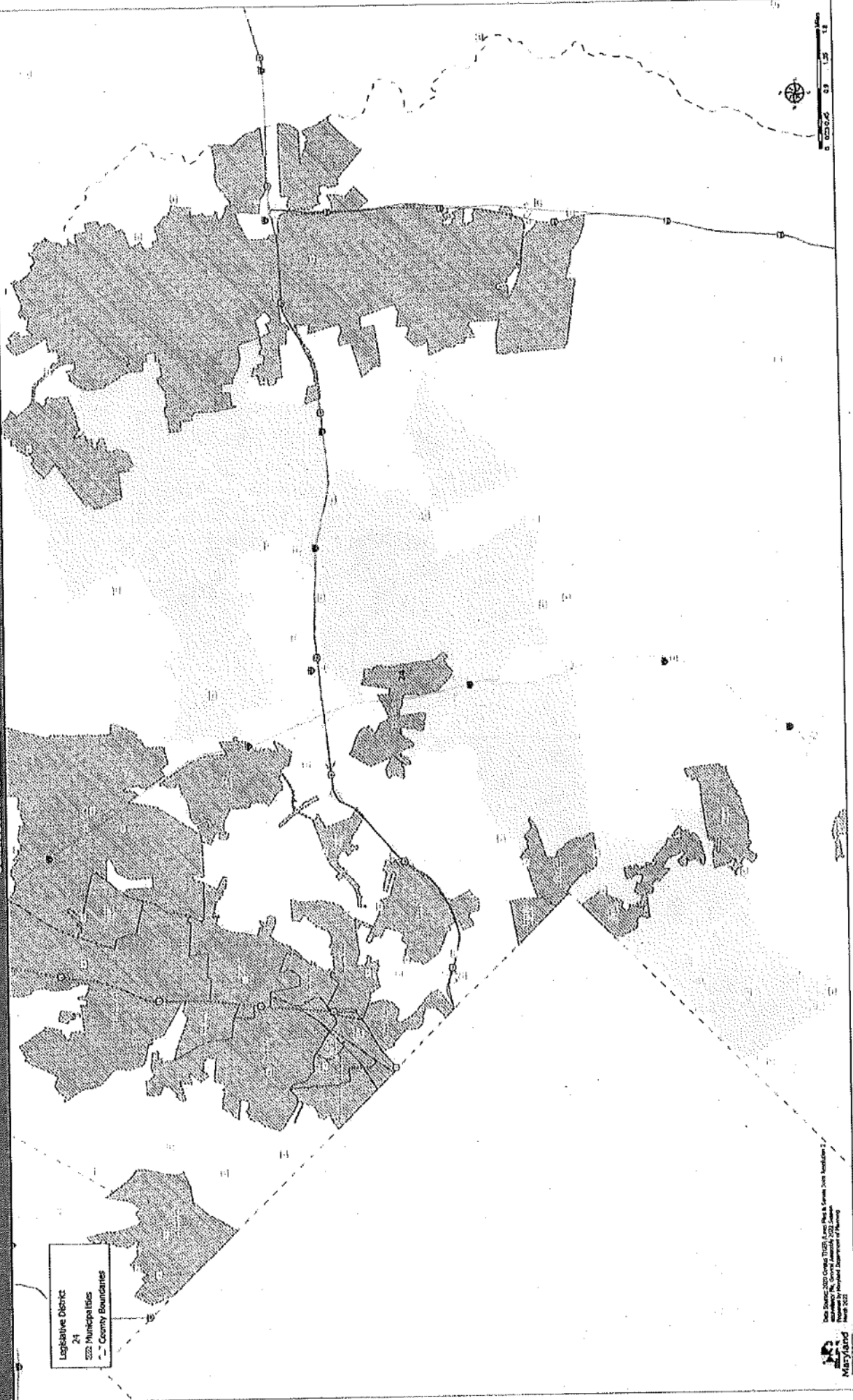


EXHIBIT K-9

District 24

Maryland 2022 Legislative Districts District 24

Senate Joint Resolution 2 - General Assembly 2022 Session



Legislative District
24
Municipalities
County Boundaries

Delaware 2022 Census (TIGER) (Land Use & Cover) Data Modification 2
Maryland 2022 Census (TIGER) (Land Use & Cover) Data Modification 2
March 2022

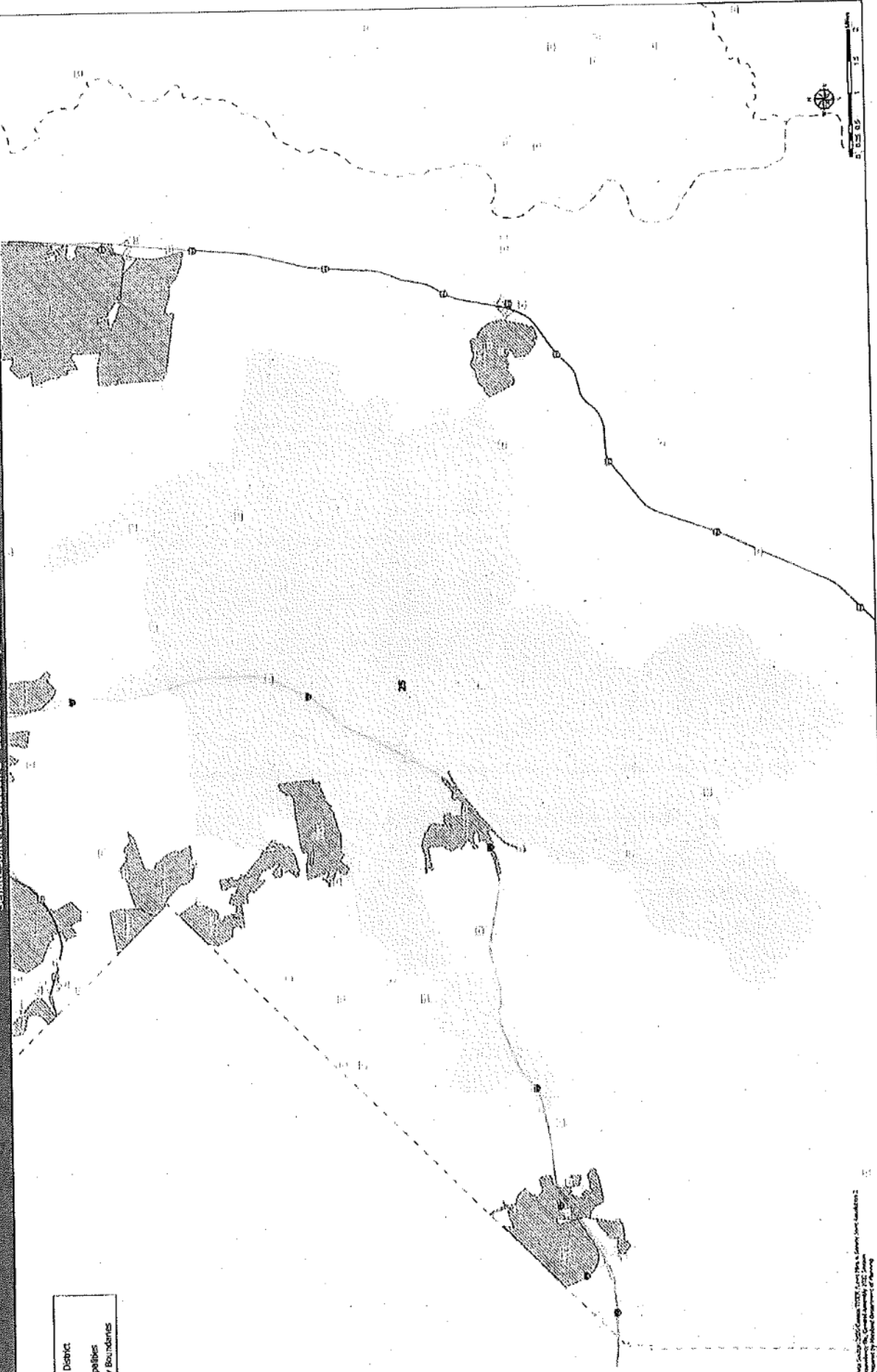


EXHIBIT K-10

District 25

Maryland 2022 Legislative Districts District 25

Senate Joint Resolution 2 - General Assembly 2022 Session



Legislative District
25
Municipalities
County Boundaries

Map created by the Legislative Services Administration, General Assembly of Maryland, 2022. District boundaries are subject to change.

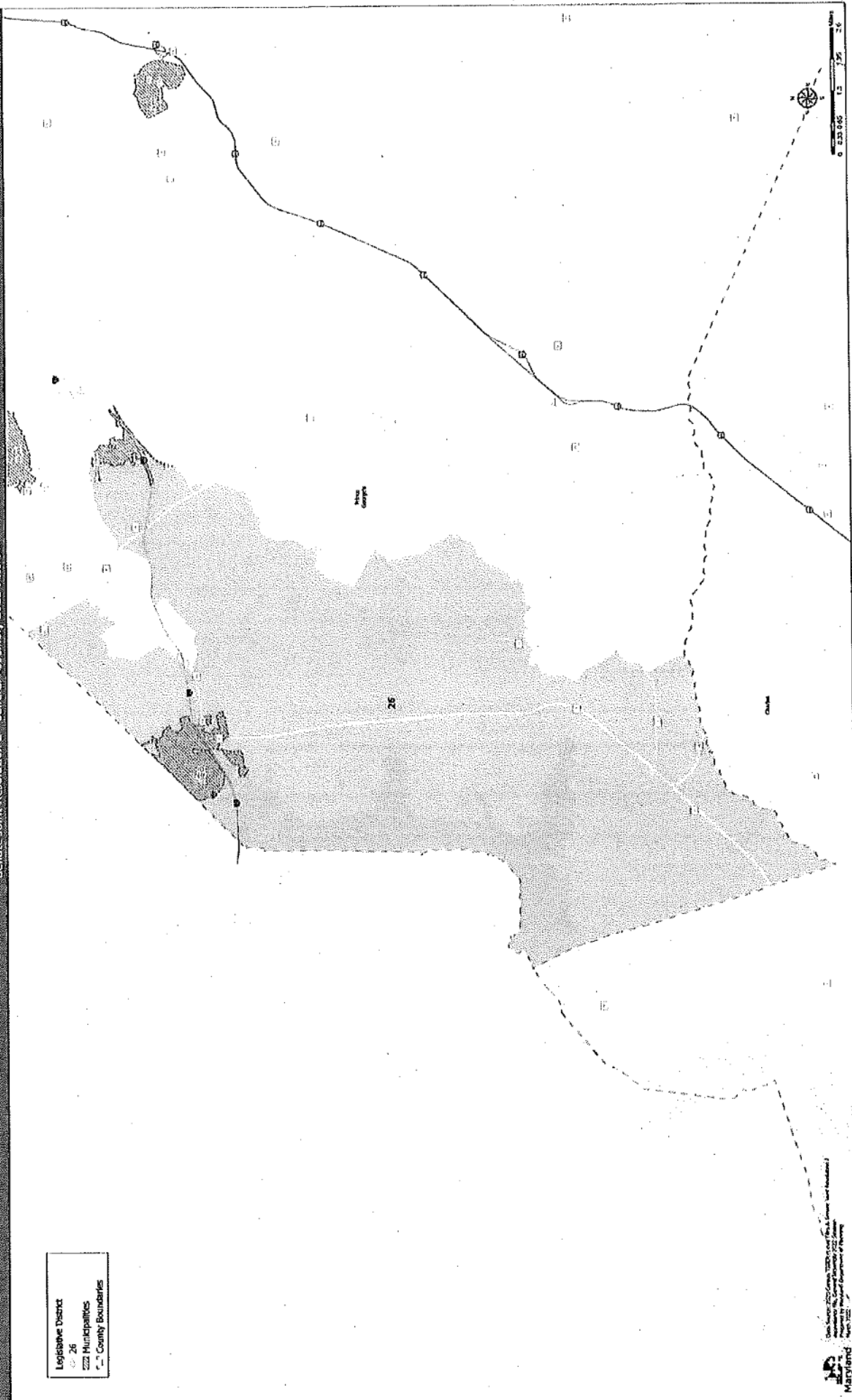


EXHIBIT K-11

District 26

Maryland 2022 Legislative Districts District 26

Senate Joint Resolution 2 - General Assembly 2022 Session



Legislative District
26
Municipalities
County Boundaries

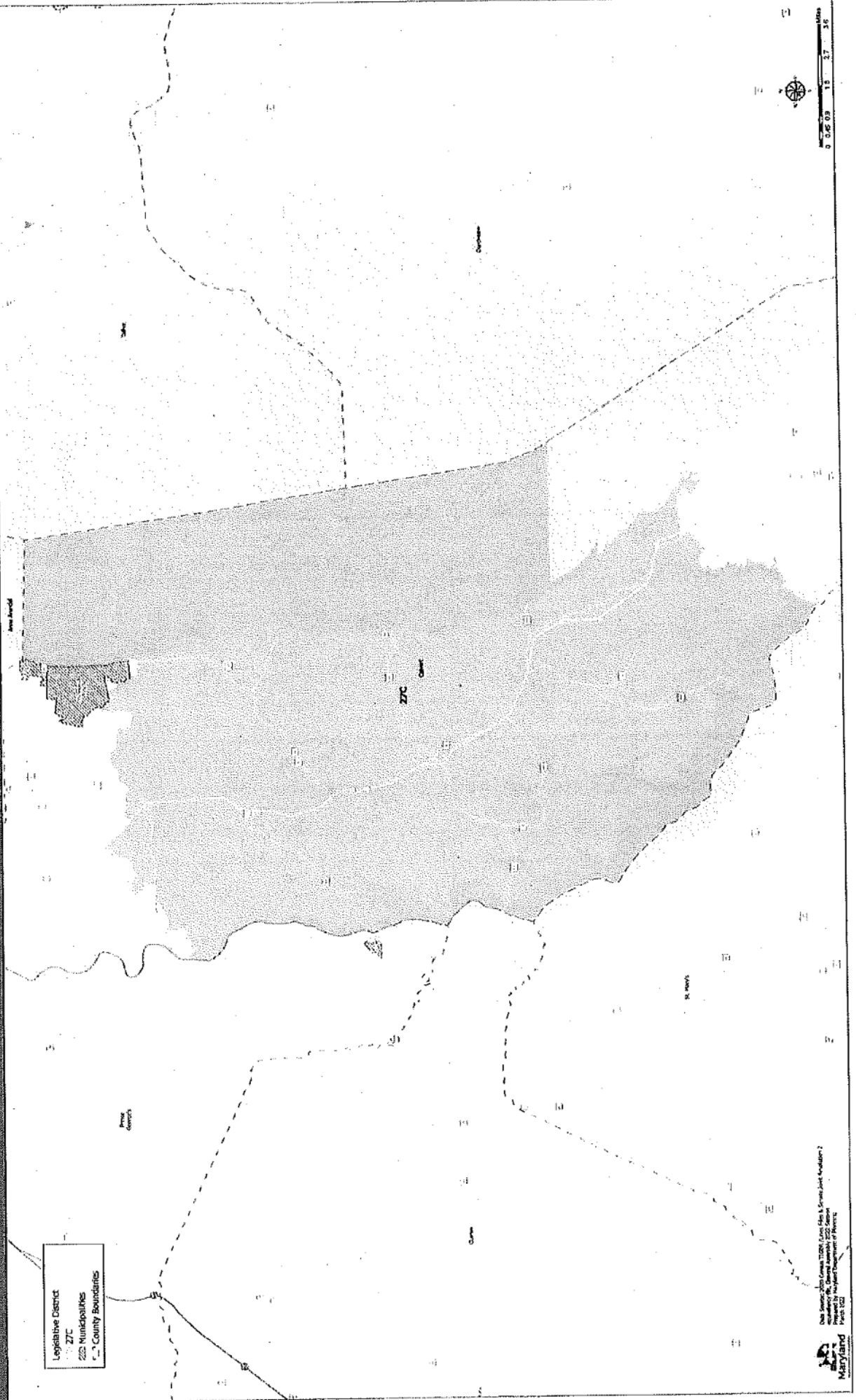
State of Maryland
Department of State
June 2022

EXHIBIT K-12

District 27

Maryland 2022 Legislative Districts District 27C

Senate Joint Resolution 2 - General Assembly 2022 Session



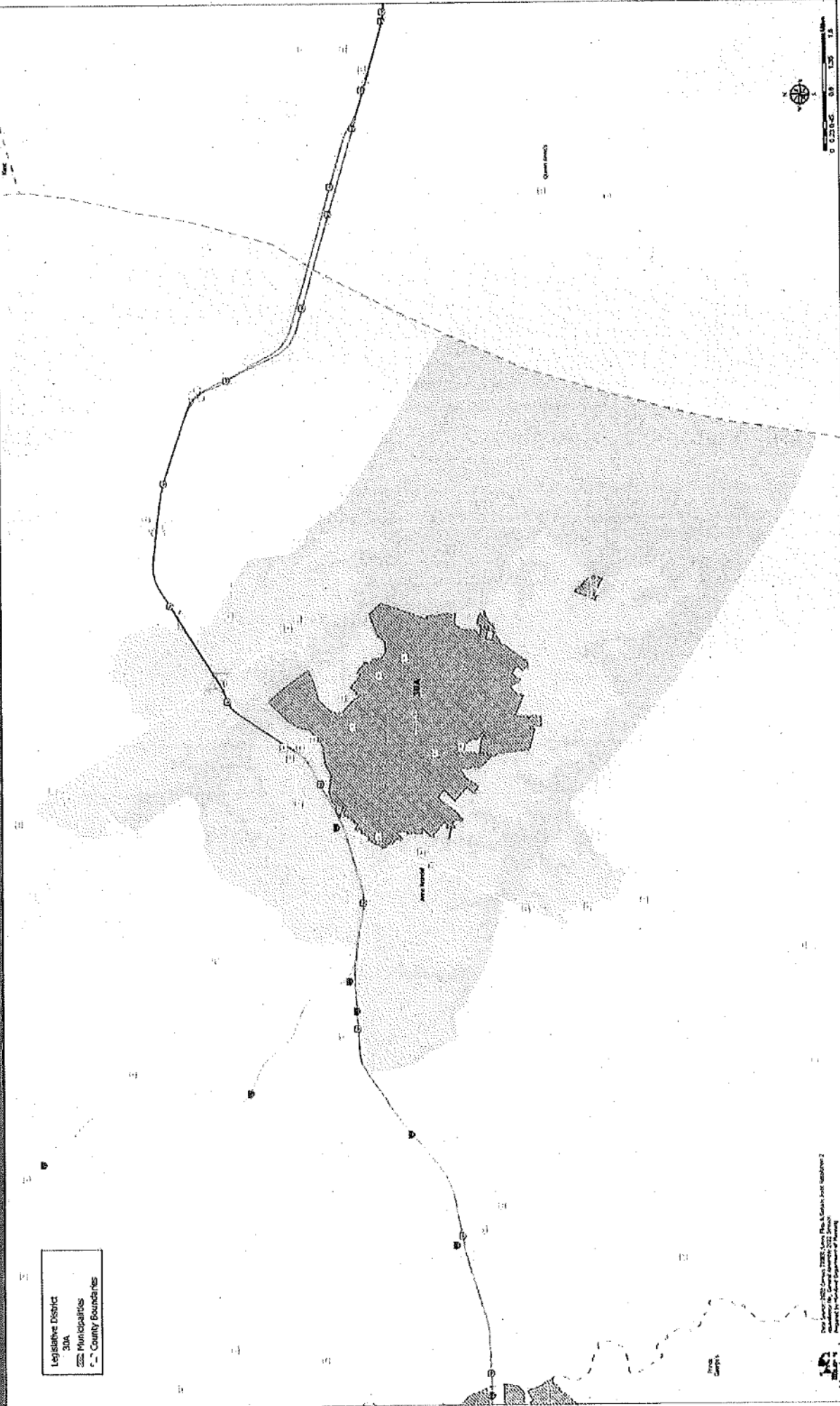
Legislative District
27C
Municipalities
County Boundaries

EXHIBIT K-13

District 30

Maryland 2022 Legislative Districts District 30A

Senate Joint Resolution 2 - General Assembly 2022 Session



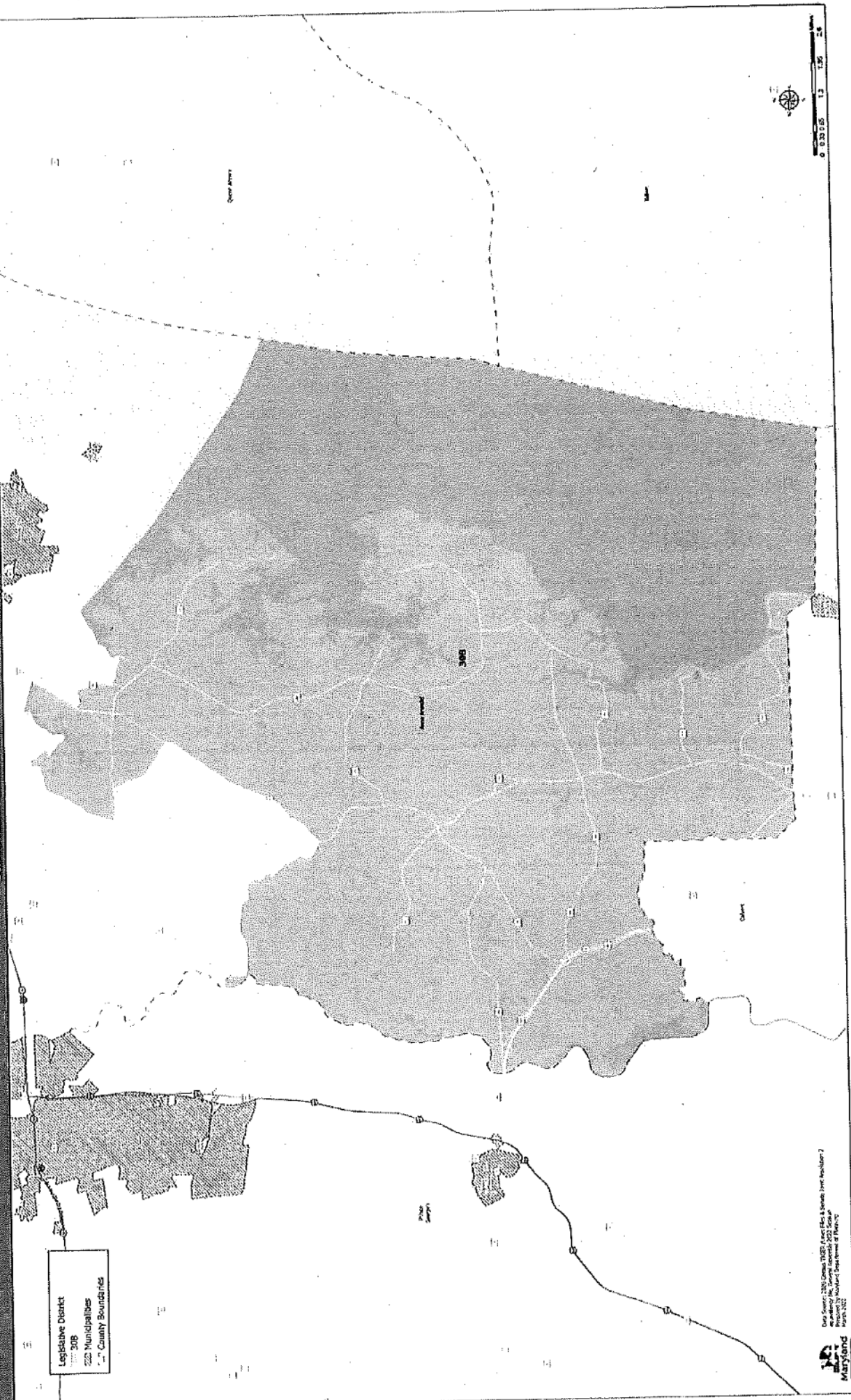
Legislative District
30A
Municipalities
County Boundaries

Map Scale: 1:250,000
Maryland Department of Planning
April 2022



Maryland 2022 Legislative Districts District 30B

Senate Joint Resolution 2 - General Assembly 2022 Session



Legislative District
30B
Municipalities
County Boundaries

Map Source: 2010 Census TIGER/Line Files & Senate Joint Resolution 2
Map of Maryland, 2022 General Assembly 2022 Session
Maryland Department of Planning
April 2022

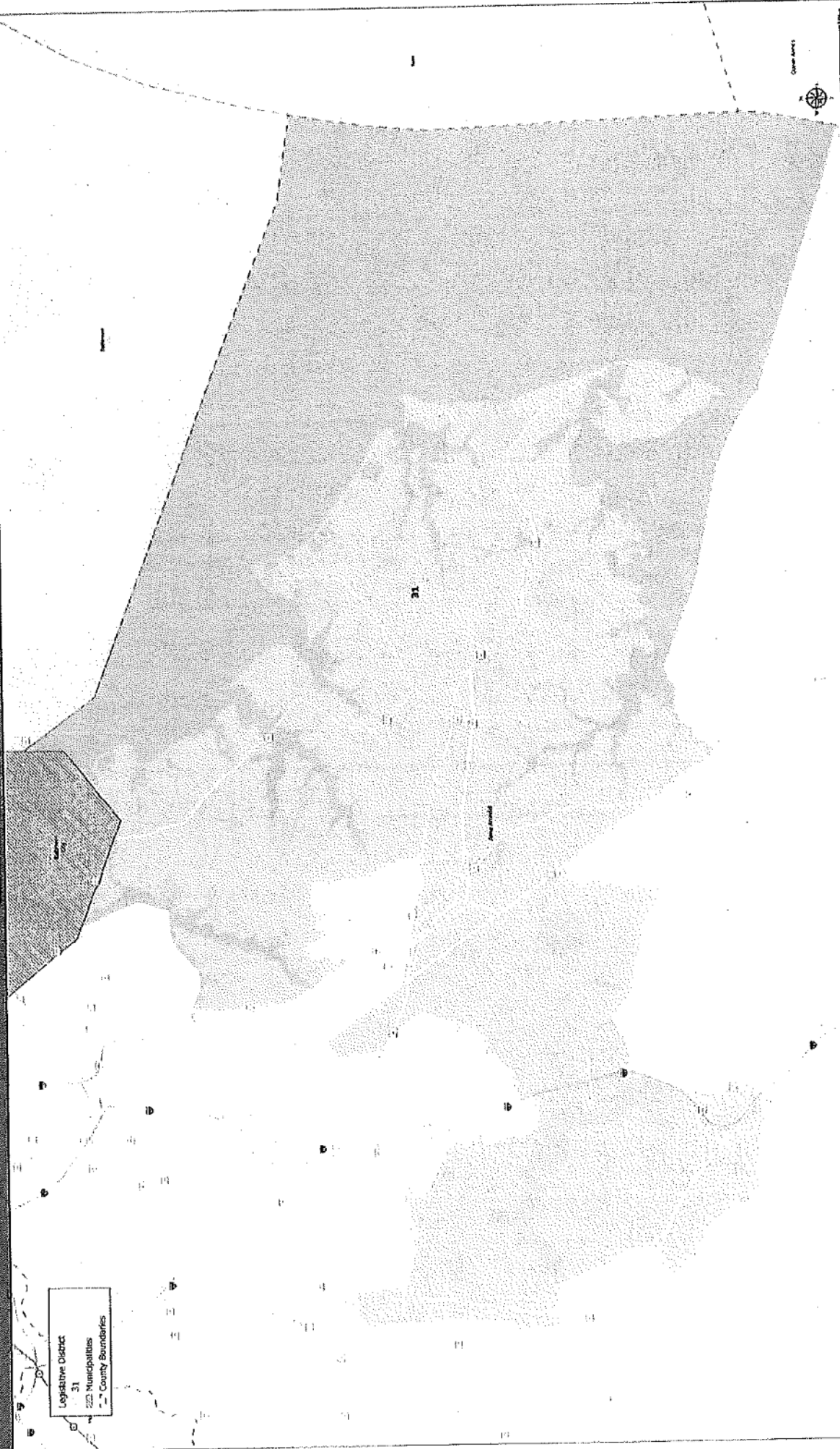


EXHIBIT K-14

District 31

Maryland 2022 Legislative Districts District 31

Senate Joint Resolution 2 - General Assembly 2022 Session



Legislative District
31
Municipalities
County Boundaries

State of Maryland
General Assembly
Senate Joint Resolution 2
March 2022



Maryland

EXHIBIT K-15

District 33

Maryland 2022 Legislative Districts District 33A

Senate Joint Resolution 2 - General Assembly 2022 Session



Legislative District
33A
Municipalities
County Boundaries

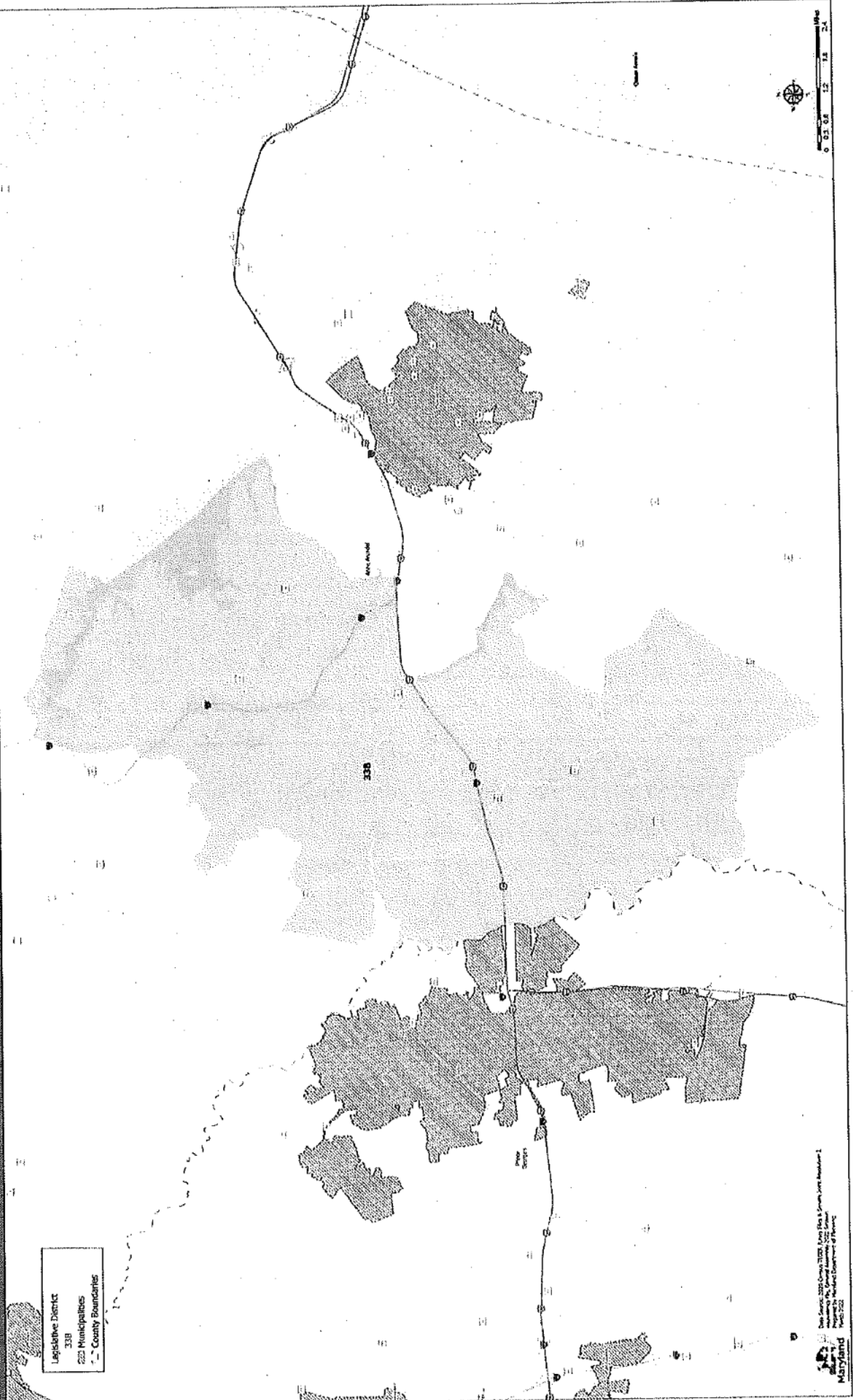


State of Maryland
General Assembly
2022 Session
Senate Joint Resolution 2
District 33A
Map 33A



Maryland 2022 Legislative Districts District 33B

Senate Joint Resolution 2 - General Assembly 2022 Session



Legislative District
33B
Municipalities
County Boundaries

Map Source: 2022 Census TIGER, Shape Files & Shape Join Resolution 1
Map Date: 11/15/2022
Prepared by: The Office of Legislative Services
November 2022
Maryland

Maryland 2022 Legislative Districts District 33C

Senate Joint Resolution 2 - General Assembly 2022 Session

Legislative District
33C
Municipalities
County Boundaries

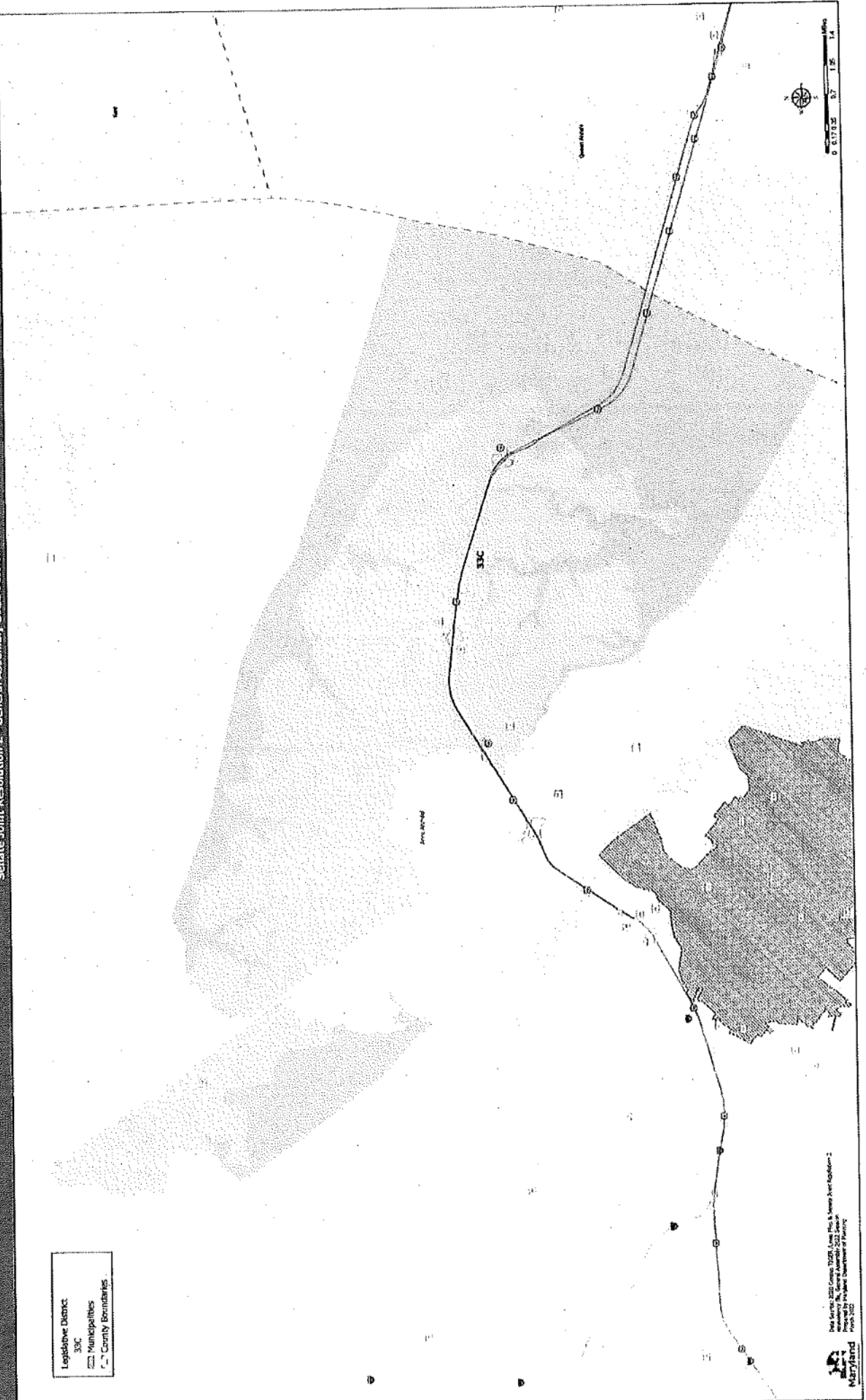
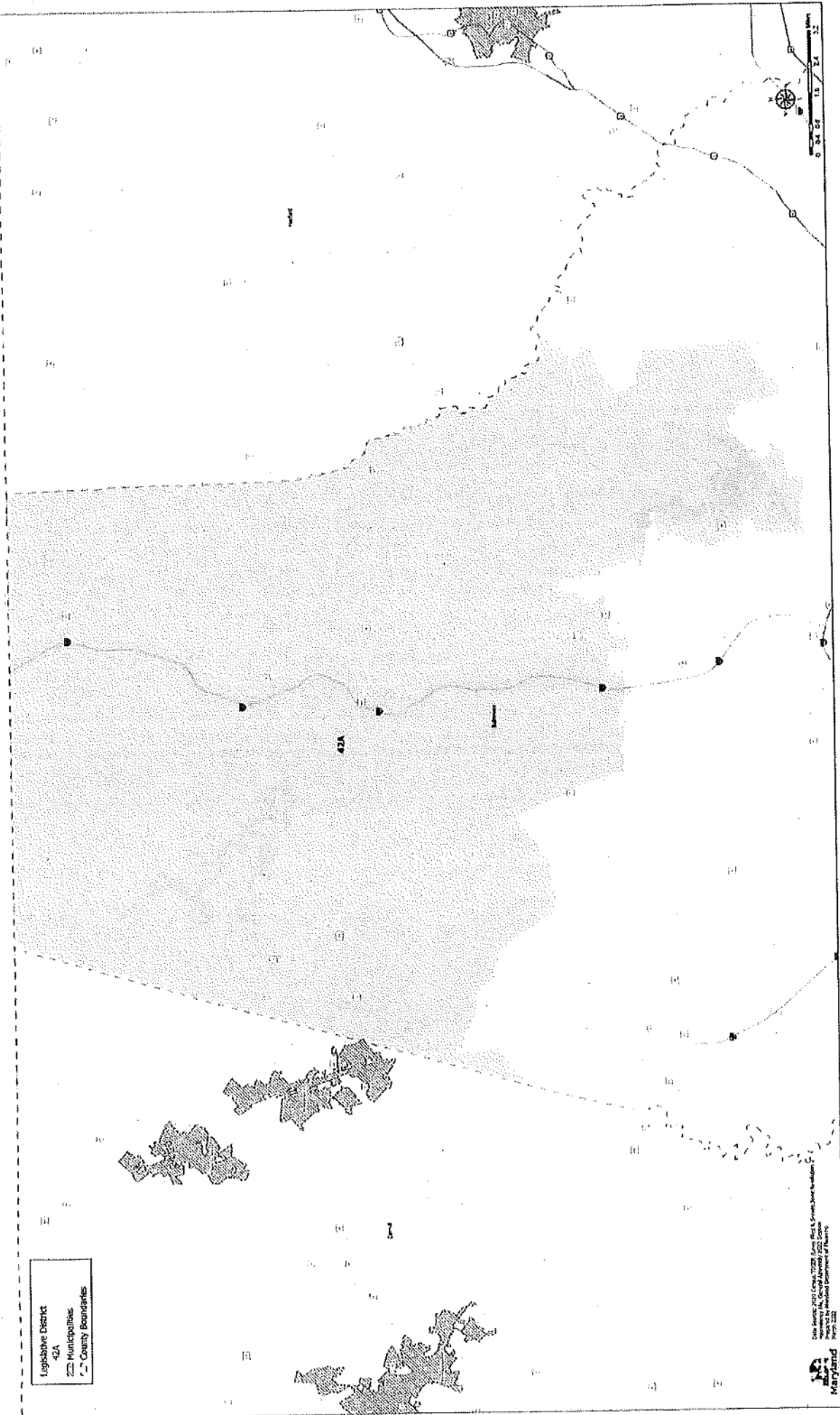


EXHIBIT K-16

District 42

Maryland 2022 Legislative Districts District 42A

Senate Joint Resolution 2 - General Assembly 2022 Session



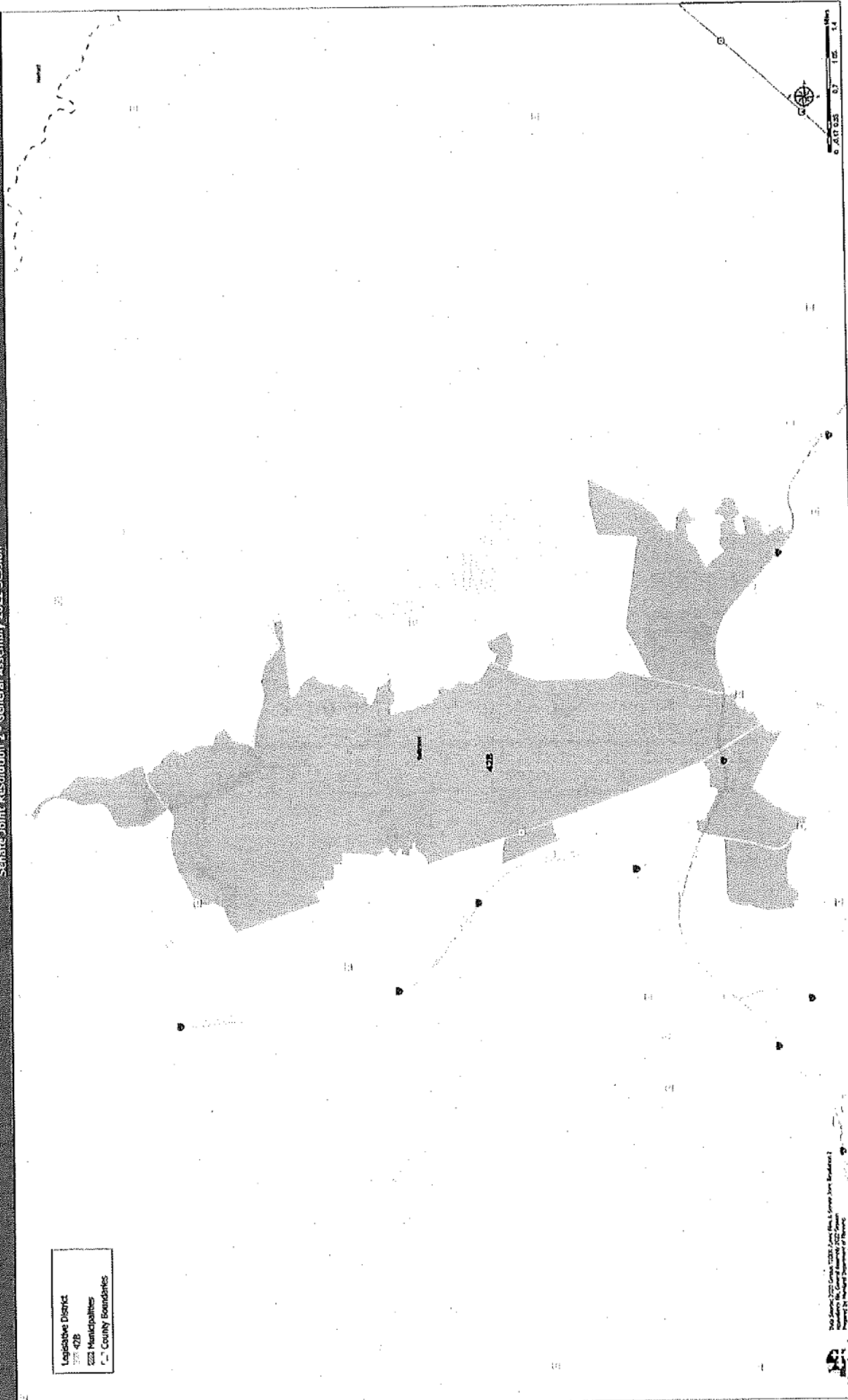
Legislative District
42A
Municipalities
County Boundaries

Date: Senate Joint Resolution 2 - General Assembly 2022 Session
Map of Maryland
Produced by the Maryland Department of Planning
March 2022



Maryland 2022 Legislative Districts District 42B

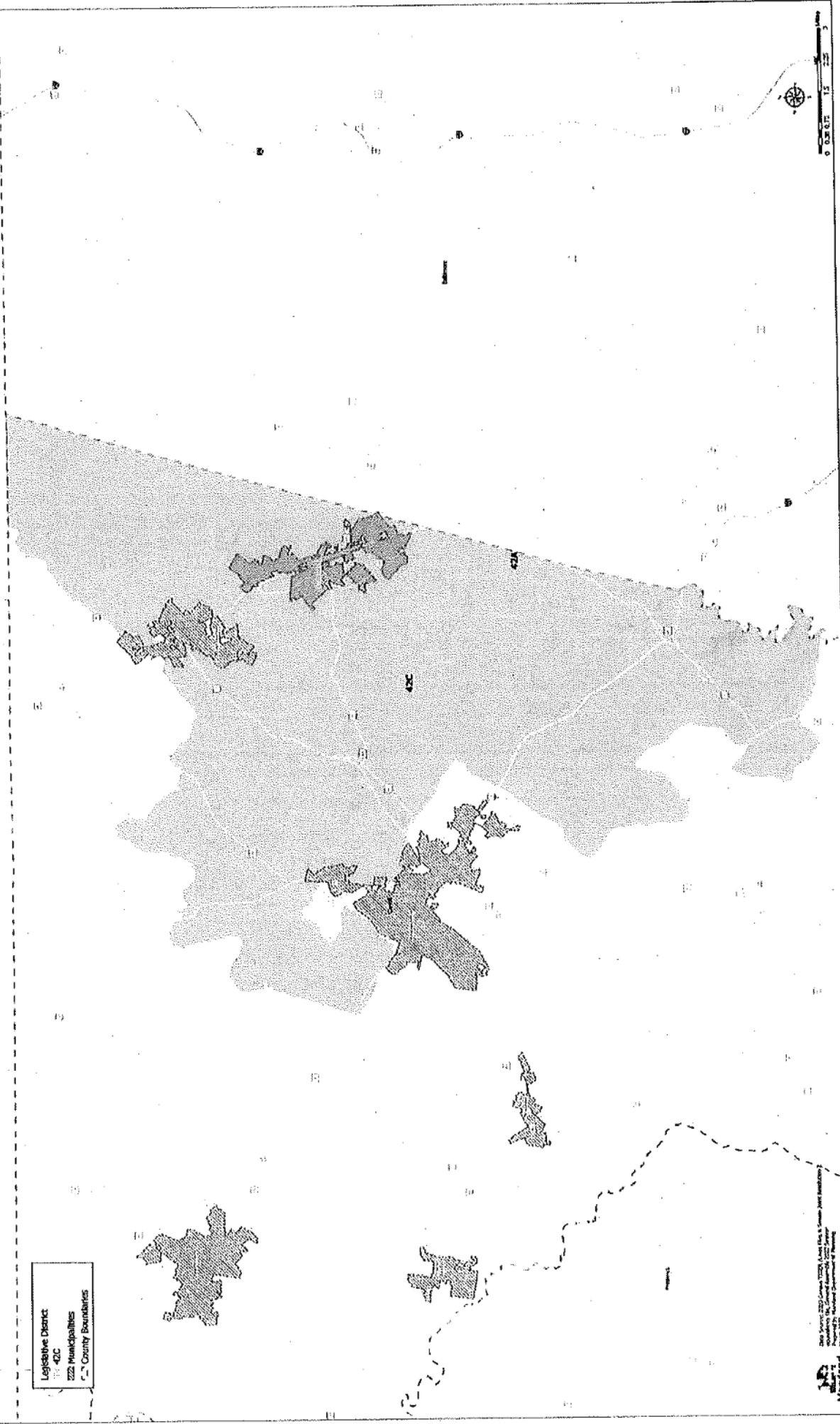
Senate Joint Resolution 2 - General Assembly 2022 Session



Legislative District
42B
County Boundaries

Maryland 2022 Legislative Districts District 42C

Senate Joint Resolution 2 - General Assembly 2022 Session



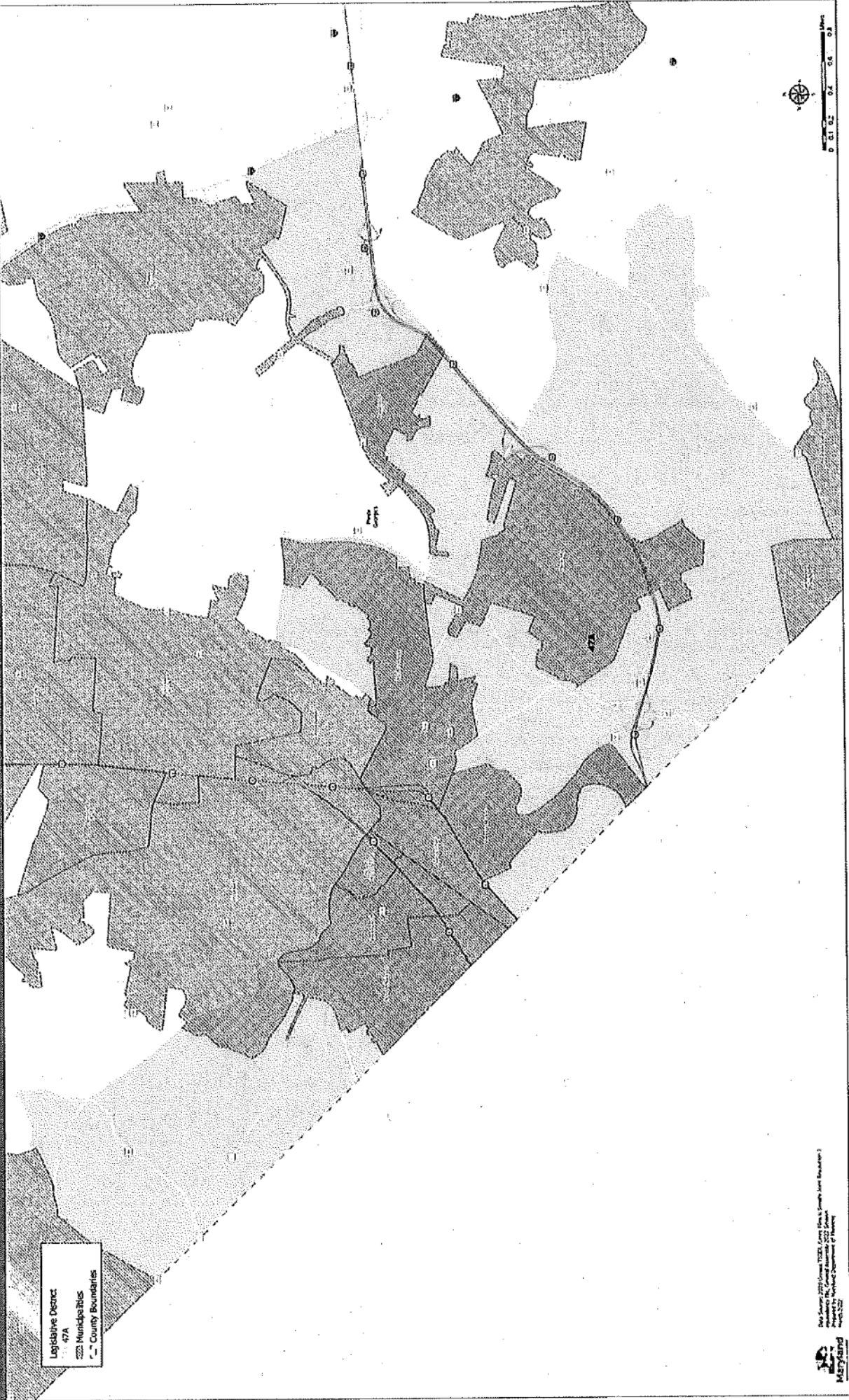
2022 Legislative Districts
Senate Joint Resolution 2 - General Assembly 2022 Session
Maryland State Department of Planning
April 2022

EXHIBIT K-17

District 47

Maryland 2022 Legislative Districts District 47A

Senate Joint Resolution 2 - General Assembly 2022 Session



Legislative District
47A
--- Municipalities
--- County Boundaries

Maryland 2022 Legislative Districts District 47B

Senate Joint Resolution 2 - General Assembly 2022 Session



SPECIAL MAGISTRATE'S REPORT

APPENDIX II

FINAL REPORT OF

MARYLAND CITIZENS REDISTRICTING COMMISSION

Final Report of the



MARYLAND CITIZENS REDISTRICTING COMMISSION

January 2022



MARYLAND CITIZENS REDISTRICTING COMMISSION

Co-Chairs

Dr. Kathleen Hetherington (I)
Walter Olson (R)
Judge Alexander Williams, Jr. (D)

Members

Jay V. Amin (I)
Cheryl R. Brooks (D)
Mary G. Clawson (R)

Kimberly Rose Cummings (R)
Jonathan Fusfield (I)
William Tipper Thomas, III (D)

Dear Governor Hogan:

On November 5, 2021, the Maryland Citizens Redistricting Commission (Citizens Commission) presented you with our recommended plans for Maryland congressional and legislative districts. In your Executive Order of January 12, 2021 creating the Citizens Commission, you asked us to prepare a report explaining the basis for our decisions, and defining the terms and standards underlying each plan.

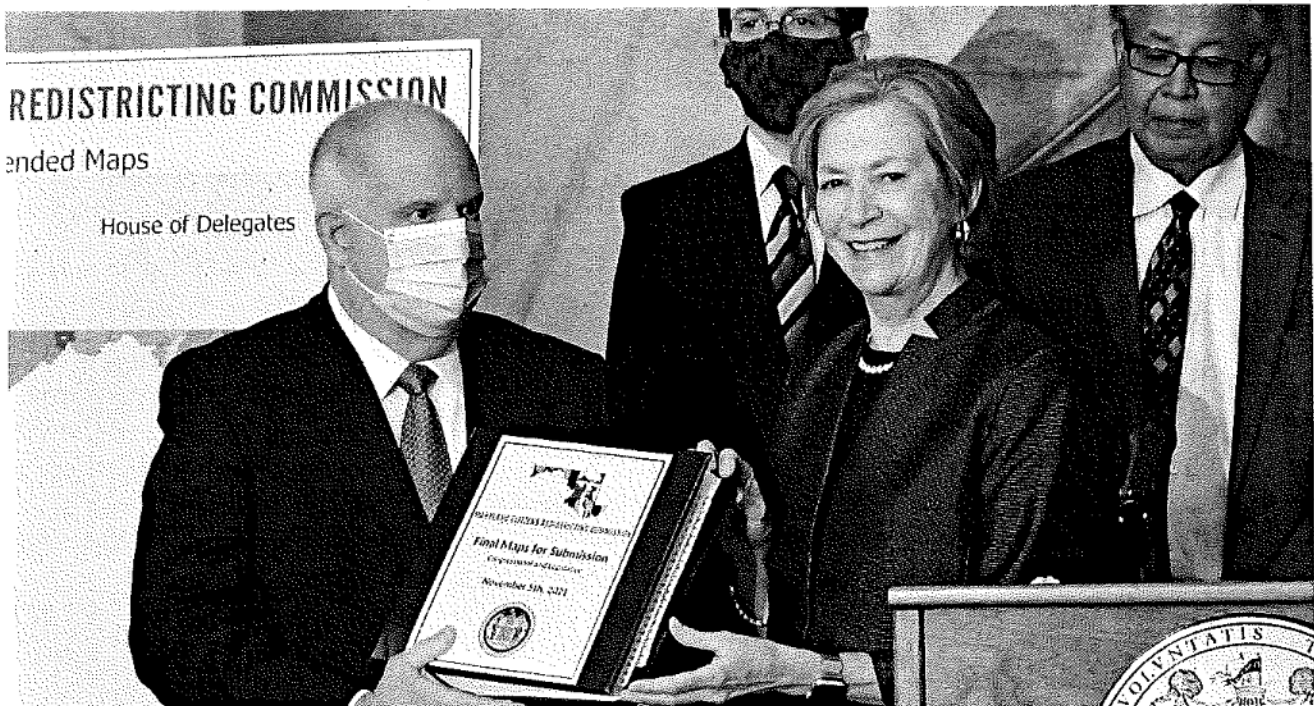
We are proud of the work of our Commission and of the plans and maps that resulted. The Citizens Commission believes its maps embody good redistricting principles, including compactness, minimal splits of counties and municipalities, and a highly understandable layout for congressional representation. Additionally, they offer better adherence to the principle of "one person, one vote" through a closer approach than in past maps to population equality among legislative districts. We are also proud of the transparent and publicly accessible procedures we followed, and the large amount of public participation that resulted from our outreach.

The Citizens Commission followed the directives of your Executive Order. The lines were drawn without regard to the interests of any party or candidate and without taking into account the place of residence of any incumbent officeholder or other potential candidate, nor did we consider how residents of any community may have voted in the past, or with what political party they may be registered.

We are proud that our proposed congressional and senate maps earned a rating of "A" for partisan fairness from the Princeton Gerrymandering Project.

Background

By law, each state must redraw district lines every 10 years following the collection of new Census data. In Maryland, as part of this process, the Governor traditionally prepares maps and proposes them to the legislature for their consideration. You chose to delegate this power to our independent commission, composed of nine members from across the state, including three registered Democrats, three Republicans, and three Independents. Having appointed the three co-chairs, you then allowed them to select the remaining commissioners. The co-chairs selected the Citizens Commission's remaining six members from more than 400 applicants. In line with your Executive Order, the selection of members was intended to produce a commission that is "independent from legislative influence, impartial, and reasonably representative of the State's diversity and geographical, racial, and gender makeup." EO 01.01.2021.02(B)(4).



Dr. Kathleen Hetherington, Maryland Citizens Redistricting Commission Co-chair, presents Governor Larry Hogan with the Citizens Commission's proposed congressional and legislative maps.

Our task was complicated by the lateness of final figures from the 2020 Census, which arrived at the end of summer 2021 rather than spring as in previous cycles. Like other redistricting panels across the nation, we accordingly needed to compress a significant amount of work into a relatively short period of time. We were greatly assisted by our experienced consultant, Professor Nathaniel Persily of Stanford Law School, a leading expert on the Voting Rights Act (VRA) and American election law. Professor Persily worked diligently to explain map possibilities and turn commissioners' ideas into draft maps. We used final Census data adjusted per Maryland law to redistribute incarcerated persons to their last place of residence before incarceration prior to drafting maps.¹

¹ No Representation Without Population Act of 2010.

Minority Communities And The Voting Rights Act

Along with population equality between districts, complying with the VRA, and other provisions of federal law, was another top-level requirement taking priority over other districting criteria. Your Executive Order specified that “the plans shall...Comply with all State and federal constitutional and legal requirements, including the Voting Rights Act,” as well as all applicable judicial rulings. EO 01.01.2021.02(C)(1)(a). We are confident our maps comply with all such requirements, and fairly recognize and respect the representational interests of minority communities protected by the VRA.

The Citizens Commission worked diligently to reach out to diverse communities. We are particularly proud of our outreach to the Hispanic/Latino community, led by our advisor Gloria Aparicio Blackwell, Founder and Director of the University of Maryland Office of Community Engagement, who helped our Commission spread the word about meetings to countless Marylanders. She played an invaluable role in connecting us to Hispanic/Latino community opinion across the state. She also provided a presentation to the Citizens Commission concerning matters of significance to Hispanic/Latino communities specifically focused on areas in Prince George’s and Montgomery counties. We also appreciate the Spanish Department at the University of Maryland, College Park for partnering with us to provide live Spanish translation during our public testimony meetings.

Principles Underlying Congressional Maps

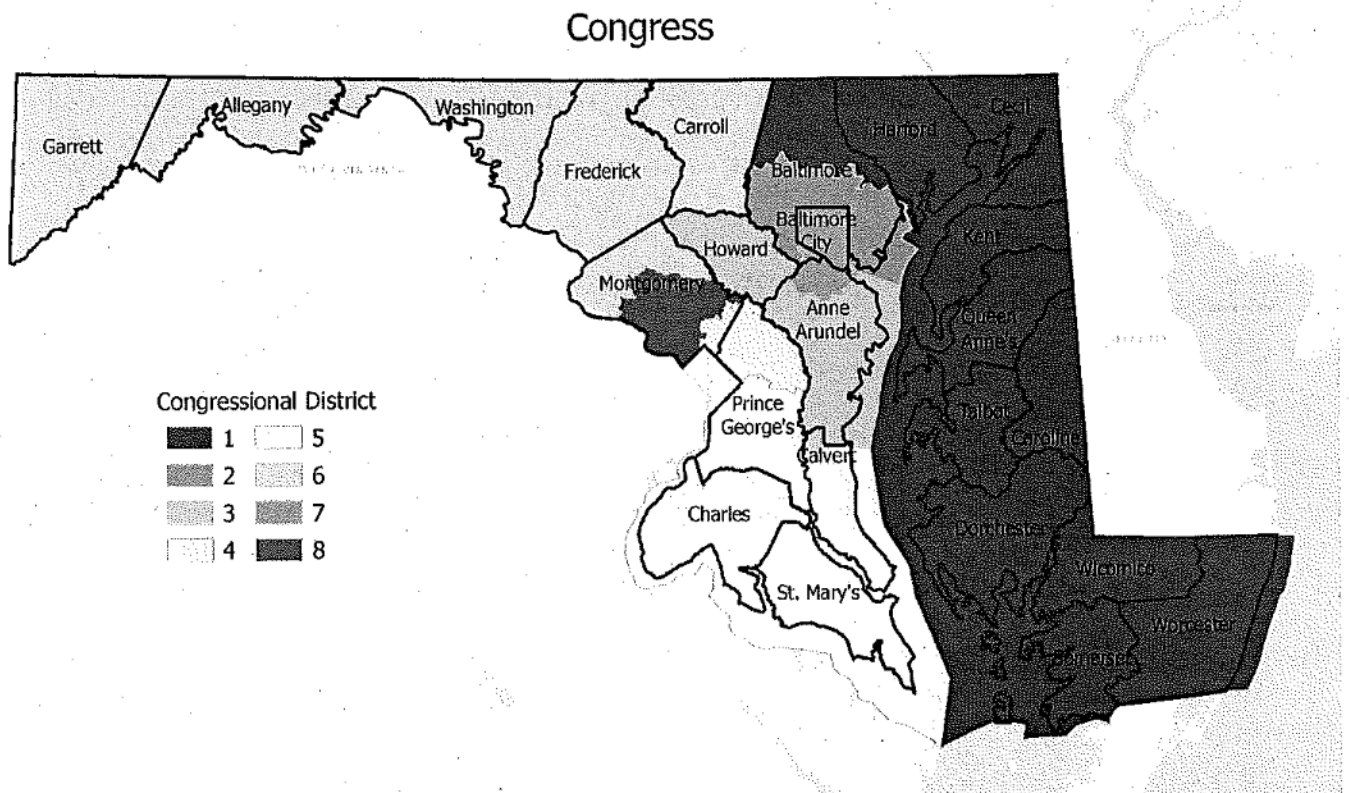
Court precedents direct that the congressional districts in a state should be drawn to a standard of exact population equality. In Maryland’s case that means eight districts each with a population of either 771,925 or 771,926.

An important issue the Citizens Commission confronted at an early point was whether a district, including the Eastern Shore, should cross the Chesapeake Bay, at the Chesapeake Bay Bridge or elsewhere, to meet population requirements. The alternative was to complete the needed district population by adding territory at the north end of the Chesapeake Bay in Harford and Baltimore counties. Commissioners expressed views on both sides of this issue, and on the related issue of which portions of the state share the closest community of interest with the Eastern Shore. It was noted that maps in past cycles have sometimes crossed the Bay to include some or all of Anne Arundel, Calvert, and St. Mary’s counties. Several commissioners cited the Executive Order’s instruction that the plan “respect natural boundaries” and noted that the Chesapeake Bay is by far the state’s most significant natural boundary. EO 01.01.2021.02(C)(1)(a)(iii). After discussion, the predominant consensus was in favor of a plan that did not cross the Chesapeake Bay.

Also following the instructions of the Executive Order, the Citizens Commission made county integrity a leading criterion in developing our congressional maps. Three of Maryland’s counties (Prince George’s, Montgomery, and Baltimore) have populations that exceed the required number of persons in a congressional district. The minimum number of splits achievable in Maryland’s congressional map is seven. Once that figure is reached, ending

any one split requires creating a different split somewhere else on the map. We kept to this minimum number, assigning six of the seven splits to the four most populous counties - two each to Montgomery and Baltimore counties and one each to Prince George's and Anne Arundel counties. Facing a choice of imperfect alternatives, the commission accepted a small split of Calvert County in the northernmost (Dunkirk) area. The Citizens Commission believed there were significant communities of interest between that area and adjacent portions of Anne Arundel County, and observed that the map kept the great majority of Calvert County together in one district.

The Citizens Commission's proposed congressional map would once again restore to Western Maryland to a single coherent district in the U.S. House of Representatives, which it has not had for the past 10 years. It would remove existing breaks in Frederick and Carroll counties, and combine those two counties with the three westernmost counties (Garrett, Allegany, and Washington). To bring the district up to its needed population of 771,926, the district would also take in a portion of northernmost Montgomery County (population 82,086), including the communities of Damascus, Clarksburg, Laytonsville, and Poolesville. The Citizens Commission viewed these areas as having some communities of interest with nearby Frederick County.



The Maryland Citizens Redistricting Commission's proposed Maryland Congressional map.

The Citizens Commission chose to keep Baltimore City entirely together in one district, combining it with nearby suburban portions of Anne Arundel County. The Citizens Commission considered, but decided not to pursue other options, such as one that would establish east and west side districts, each combining a portion of the city with nearby suburbs. Commissioner William Thomas of Baltimore City noted the absence of public testimony on these options. Due to a lack of testimony specific to Baltimore City on this issue, he believed the Citizens Commission's public record had not adequately developed one way or the other as to the question of which arrangement would work best to advance the representational interests of Baltimore City residents. He cited that reason in voting against adoption of the congressional map. All of the other commissioners approved the map, which accordingly passed by a vote of eight to one, seven affirmative votes being required under the executive order.

Principles Underlying Legislative Maps

Commissioners agreed at an early point to use existing election precincts as the building blocks in constructing districts. Among the advantages of this method were speed, efficiency, and ease of administration by county election administrators. A corresponding drawback is that the boundaries of existing precincts are often jagged, which means district lines at the most local level will sometimes appear jagged as well. Considerations such as equality of population and respect for natural boundaries made it necessary or advisable to divide precincts into smaller units such as Census blocks. These considerations also applied in the drawing of congressional maps, but were less significant there as a relatively large share of those boundaries followed county lines.

In respecting natural boundaries as directed by the Executive Order, it was agreed that legislative districts should not cross the Chesapeake Bay. Professor Nathaniel Persily noted a Maryland Court of Appeals case from 2002, "Matter of Legislative Redistricting" (370 Md. 312) that raised questions about whether drawing legislative districts to cross the Chesapeake Bay might even violate the state constitutional prohibition regarding "adjoining territory."² This case and other matters of importance regarding this topic were discussed in depth prior to the Citizens Commission ultimately agreeing not to cross the Chesapeake Bay in our legislative maps.

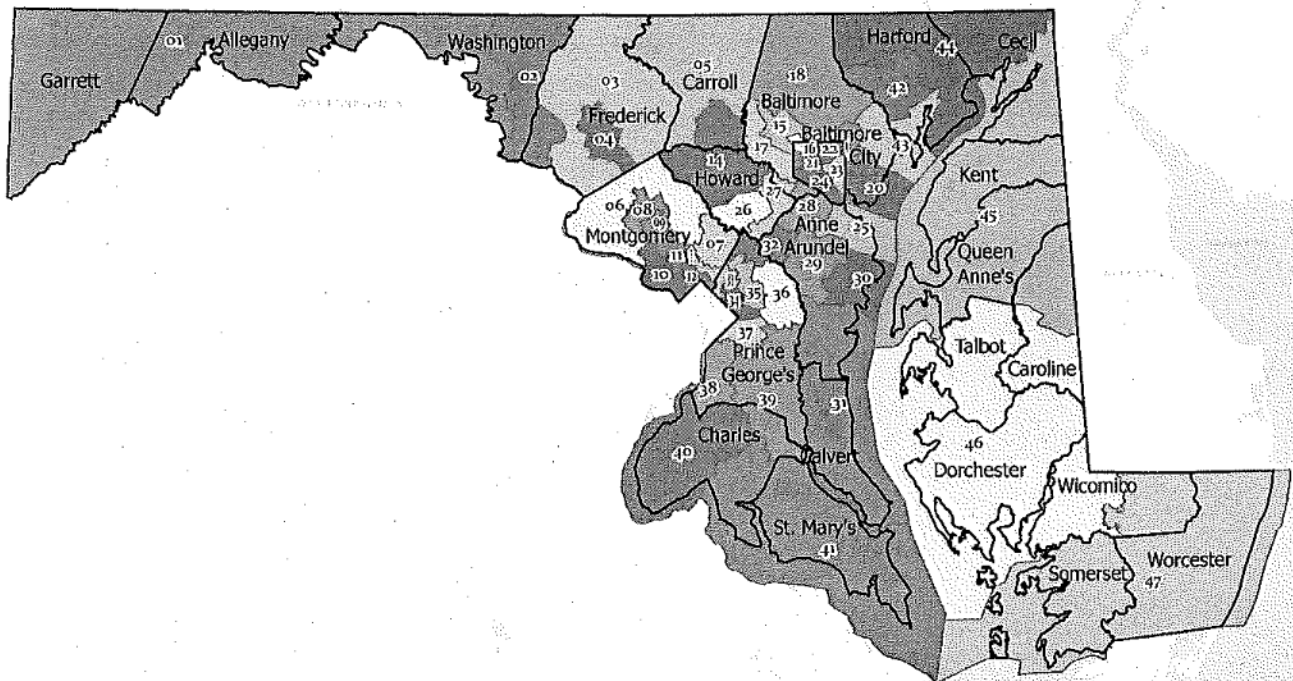
The Executive Order directs that legislative districts be "as nearly equal in population as is feasible given due regard for natural boundaries and the boundaries of political subdivisions." While courts have required essentially exact equality of population among congressional districts, they have tolerated population variations of as much as plus or minus 5% among legislative districts. Past Maryland legislative maps have occasionally taken advantage of that looseness to create many districts with a near-maximum population deviation, without a clear explanation as to why.

² 2002 Md. LEXIS 560, p. 27, 46, 60

Our Commission made a point of insisting on lower variances, opting to use a figure of less than 2% for senate districts and 3% for delegate districts to better put into practice the principle of "one person, one vote." Working within this constraint, it proved possible to stay within the target population variance range while avoiding some county breaks by placing some legislative districts or groups of districts entirely within county lines. For example, it was possible without breaching population variance goals, to assign exactly eight senate districts to Montgomery County. It was also possible to create a coextensive delegate boundary along the Kent-Cecil line. Similarly, the four westernmost senate districts were able to be contained exactly within the four western Maryland counties, and the division of delegate districts within Senate District 14 was made coextensive with the Carroll-Howard line.

The Executive Order directed the Citizens Commission to respect "the geographic integrity and continuity of any municipal corporation, county, or other political subdivision to the extent practicable." In general, we succeeded at keeping municipal splits to the barest minimum. In Mount Airy, where parts of the town fall in both Frederick and Carroll counties, the Citizens Commission was obliged to choose between a county split and a municipal split. Taking into account arguments on both sides of the question, the commission decided to avoid the county split, and drew its line in conformance with the Frederick-Carroll line.

Maryland Senate



The Maryland Citizens Redistricting Commission's proposed Maryland Senate map.

Single- Vs. Multi-Member Districts

Maryland is unusual among states in having retained extensive use of multi-member districts in its House of Delegates. Three delegate districts "nest" within each senate district, meaning the arrangement can be that of a single district electing three delegates, three districts electing one delegate each, or a combination of a two-member with a one-member district. Past deployment of these options has been criticized as lacking in any obvious or principled basis. In the current legislature there are 31 multi-member districts with three delegates, 12 two-member, and 24 single-member districts. The final Citizen Commission maps have 87 single-member districts and 18 multi-member districts with three delegates each.

The Executive Order provides that legislative districts shall be: "To the extent possible and consistent with the Commission's other duties and responsibilities, subdivided into single-member delegate districts." The issue of multi-member districts was the one on which the public testimony heard by the Citizens Commission was most copious and among the most polarized, and proved the most difficult one on which to reach consensus. Some commissioners held that good policy, as well as the language of the Executive Order, called for a drawing of a delegate map composed entirely of single-member districts. Others held that testimony and public sentiment showed that some parts of the state consider themselves well-served with three-member districts. None of the commissioners favored the use of triple-member districts throughout all parts of the state. Separately, it was clear that in certain particular situations the use of single-member districts might be indicated to assure compliance with the VRA.

The Citizens Commission began to make progress toward consensus when it considered formulas that assigned single or triple-member districts to different parts of the state to reflect measures of density. Commissioner Walter Olson of Frederick County proposed two alternative ideas. The first was to adopt triple-member districting for districts with more than 2,000 residents per square mile. The other option was to adopt triple-member districting in a county when the density of a county exceeded that level, whether or not individual districts did. It had been noted that public support for triple-member districts often came from more densely populated parts of the state, including Baltimore City, and Montgomery and Prince George's counties. On the other hand, commenters from less densely populated parts of the state were more likely to champion single-member districts. Commissioner Cheryl Brooks of Baltimore County suggested combining the two proposed density formulas into a hybrid model. This idea proved the basis of a compromise plan that proved workable and acceptable to all.

In the compromise agreed upon, subject to the exceptions, exclusions, and constraints listed further below, certain high-density areas of Maryland were drawn as triple-member districts using a hybrid formula calculated as follows:

- All districts with more than 2,000 population per square mile in the district itself, and also
- All districts contained within counties that have more than 2,000 population per square mile, EXCEPT that a district within such a county would be excluded if it had a density below 500 persons per square mile. That exclusion would affect the senate district that the Citizens Commission had drawn in northern Montgomery County to reflect some of the county's least dense areas, including the Agricultural Reserve.

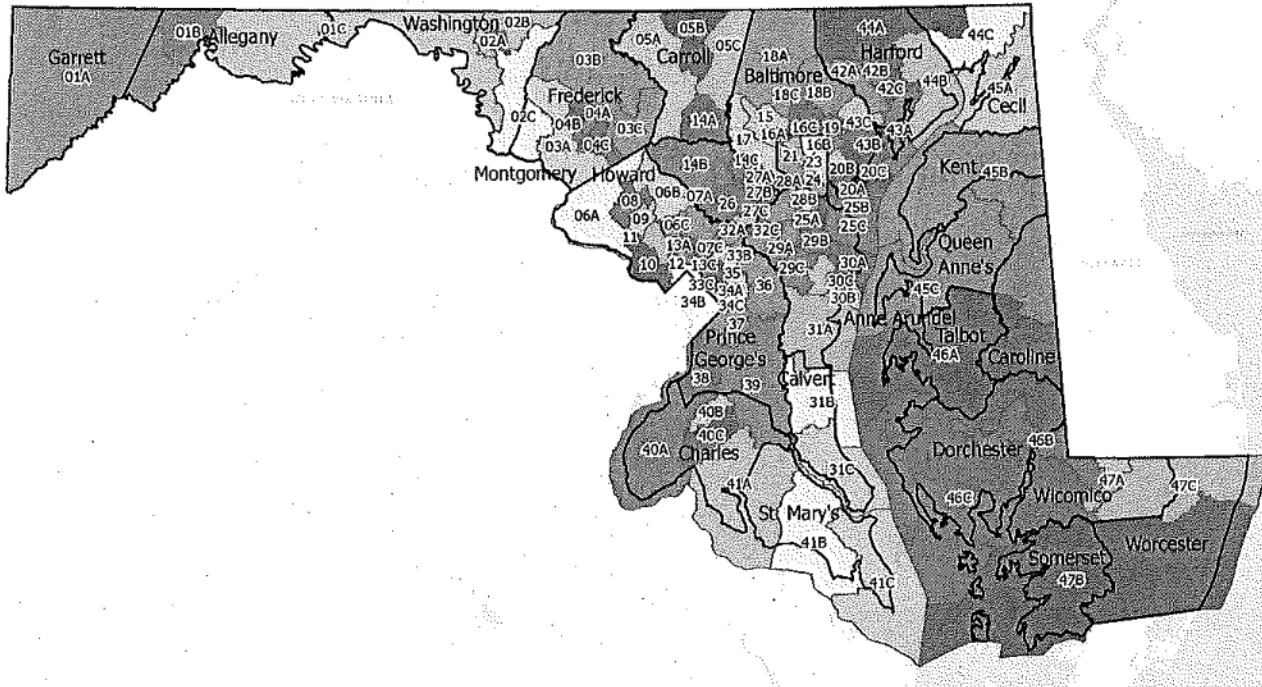
The following would be designated as single-member districts:

- Districts not designated as high-density under the criteria above.
- All county crossover districts would be single-member except for #39 (Prince George's County/Charles County), exempted from this provision because the population on the Charles County side is too low to make up the core of a single delegate district.
- Districts in which single member status may better enable recognition of certain minority communities following discussion in past meetings of the Citizens Commission. This affected four relatively dense districts that are highly ethnically diverse, two in western Prince George's County and two in eastern Montgomery County. In some other situations, districts containing distinct minority communities were already being designated as single-member based on other criteria.

The Citizens Commission strove to be responsive to public testimony and reaction. Public map submission was one important part of this process. Commissioners reviewed all publicly submitted maps and discussed many of them at working sessions. Strong public reactions to the Citizens Commission's early proposed draft maps resulted in substantial revisions of the Senate map, notably in St. Mary's County and adjoining counties of southern Maryland, and in Baltimore County and Baltimore City, where an initial plan combining parts of the city with southeastern Baltimore County displeased many residents. In response to public requests for change, the Citizens Commission redrew its maps to place the city-county crossing in the Pikesville and Towson areas, which also allowed for better accommodation of the Orthodox Jewish community on both sides of the city-county line within a single district.

On a smaller scale the Citizens Commission revised its initial senate and delegate lines in many different areas of the state, including southern Montgomery County near the D.C. line, suburban Hagerstown, the Eldersburg/Sykesville area of Carroll County, and the Loch Hill area of Baltimore County. Further, it responded to testimony asking that the Belair-Edison neighborhood in Baltimore City be kept whole.

House of Delegates



The Maryland Citizens Redistricting Commission's proposed Maryland House of Delegates map.

Unfortunately, it did not prove possible to adjust map lines in response to all public objections. The Citizens Commission noted with regret that inland Caroline County on the Eastern Shore was left to shoulder a disproportionate burden as part of a situation in which population shifts obliged five Eastern Shore counties to share approximately four delegate districts. Alternate plans, which would have shifted rather than avoided county splits, involved combinations of difficult splits over water and drastic last-minute changes in areas like Talbot County without time to give adequate notice to affected residents.

District Numbering

The Executive Order provided that legislative districts shall be "numbered consecutively commencing at the northwestern boundary of the state and ending at the southeastern boundary of the state." The commission carried out this plan, which rationalized the overall map while inevitably changing many district numbers with which residents were familiar. The previous map had grown over time to include quite a few districts whose numbering was completely out of geographical sequence. However, the Executive Order did not require a renumbering of congressional districts. Responding to what it believed to be public preference, the Citizens Commission's adopted congressional map preserves traditional numbering in which the Eastern Shore district is numbered #1, the Western Maryland district is #6, and so forth.

The resulting legislative maps met with a consensus among the Citizens Commission and were adopted unanimously by a vote of nine to zero, with seven votes needed for passage.

Community Engagement

The mission of the Citizens Commission was deeply rooted in an open and transparent process that included significant community and public engagement of Marylanders. We would not have been able to produce our final work product without the remarkable amount of input we received from concerned citizens across the state. We began a series of public meetings and working sessions on May 5, 2021, and continued through November 3, 2021. The working sessions allowed for Commission members to learn about the process, discuss the data, and draft maps. The public session meetings allowed for the public to provide live and written testimony. Further, the Citizens Commission allowed the public to comment on its draft maps as well as submit their own suggested maps for review. Despite challenging time constraints arising from the late arrival of Census data we were able to accomplish these goals in a timely fashion and with input from the public.

To accomplish this, the Citizens Commission held three rounds of public meetings. Due to the continuing issues with the COVID-19 pandemic, we held these meetings virtually through Zoom. Closed-captioning was available for the hearing-impaired. We were truly impressed with the response and engagement from the public, and had over 230 separate testimony accounts from members of the public throughout the process.

Round One occurred between June 9 and July 28, 2021, and included eight regional meetings during which members of the public could share their thoughts and concerns regarding redistricting in advance of the release of 2020 Census data. During Round One we heard 163 separate testimonies from members of the public as well as elected officials. Our viewership on Zoom and YouTube was over 2,100 people.



The Maryland Citizens Redistricting Commission during one of their virtual public meetings.

Round Two was held from September 9 and September 20, 2021. It included four statewide virtual meetings during which time Marylanders were able to submit their own maps and present them to the Citizens Commission with live testimony; written testimony was also accepted. We had 21 separate testimonies during this session and more than 1,000 people viewed the sessions on either Zoom or YouTube. During Round Two, the Citizens Commission received 70 citizen map submissions. Each map was reviewed by the Citizens Commission, and each was posted to our website so that other members of the public could comment on them as well. Additionally, the Citizens Commission held six public working sessions during the month of September to draft their maps for public review and comment. This was done in concert with the Citizens Commission's expert, Professor Nathaniel Persily.

Round Three was held each Wednesday evening between October 6 and October 27. It included four public meetings during which Marylanders could present testimony regarding the maps drawn by the Citizens Commission, maps submitted by citizens or their own map submissions. The Citizens Commission received an additional 16 public map submissions during Round Three. We heard 46 separate testimonies during our public meetings and had a total viewership of nearly 1,000.

In total, the Citizens Commission received 86 public map submissions via the public portal and email. Commissioners also held public working sessions at the completion of public testimony in order to suggest and address modifications to maps, including discussions regarding the VRA, communities of interest and other matters of importance to district boundaries. Many preliminary and concept maps discussed at working sessions were posted to the website and as the Citizen Commission voted upon "final proposed draft maps," each map was posted as well. For these final proposals, the website included a map viewer allowing street level inspection, and also allowing visitors to enter an address and determine in which district it was located. We were extremely impressed with the engagement from residents across the state with more than 4,127 attendees at our public meetings. Our social media posts resulted in more than 100,061 impressions on Twitter and a reach of more than 92,607 on Facebook.

We were able to carry out successful outreach to the community because of the assistance of our support team at the Maryland Department of Planning. For each meeting, notifications were sent out via press release to more than 46,000 contacts, including the media, local, county, and state elected officials, and many other organizations and individuals. Our promotional materials were translated in Spanish and distributed to the Hispanic/Latino community by our Hispanic/Latino advisor. We worked hard to engage the public and make certain that our work was transparent and open. The feedback we received as to our process was very positive and we would recommend keeping a similar format for future redistricting matters.

Perhaps one of the biggest compliments was from our advisor, Professor Persily, a nationally renowned expert in redistricting law and the democratic process. At the end of the final meeting, he told our group that our Commission should be held out as a national model for the way things should be done. Coming from someone who works with numerous states across the nation on their redistricting efforts, this speaks volumes as to the importance of a non-partisan approach to redistricting. It was obvious from the testimony we received from Marylanders that they are tired of the flagrant gerrymandering of our state by career bureaucrats and entrenched politicians. It was our hope to provide you with maps free from the elements that create such boundaries and we believe we accomplished that mission.

Commission Members

Dr. Kathleen Hetherington - Co-Chair
Walter Olson - Co-Chair
Judge Alexander Williams, Jr. - Co-Chair
Jay V. Amin
Cheryl Brooks
Mary G. Clawson
Kimberly Rose Cummings
Jonathan Fusfield
William Tipper Thomas



The Maryland Citizens Redistricting Commission presented their proposed redistricting maps to Governor Larry Hogan on December 5, 2021.

Addendum One

Written testimony submitted by Professor Nathaniel Persily regarding Senate Bill 1/
House Bill 1 of Maryland General Assembly Special Session December 2021

Addendum Two

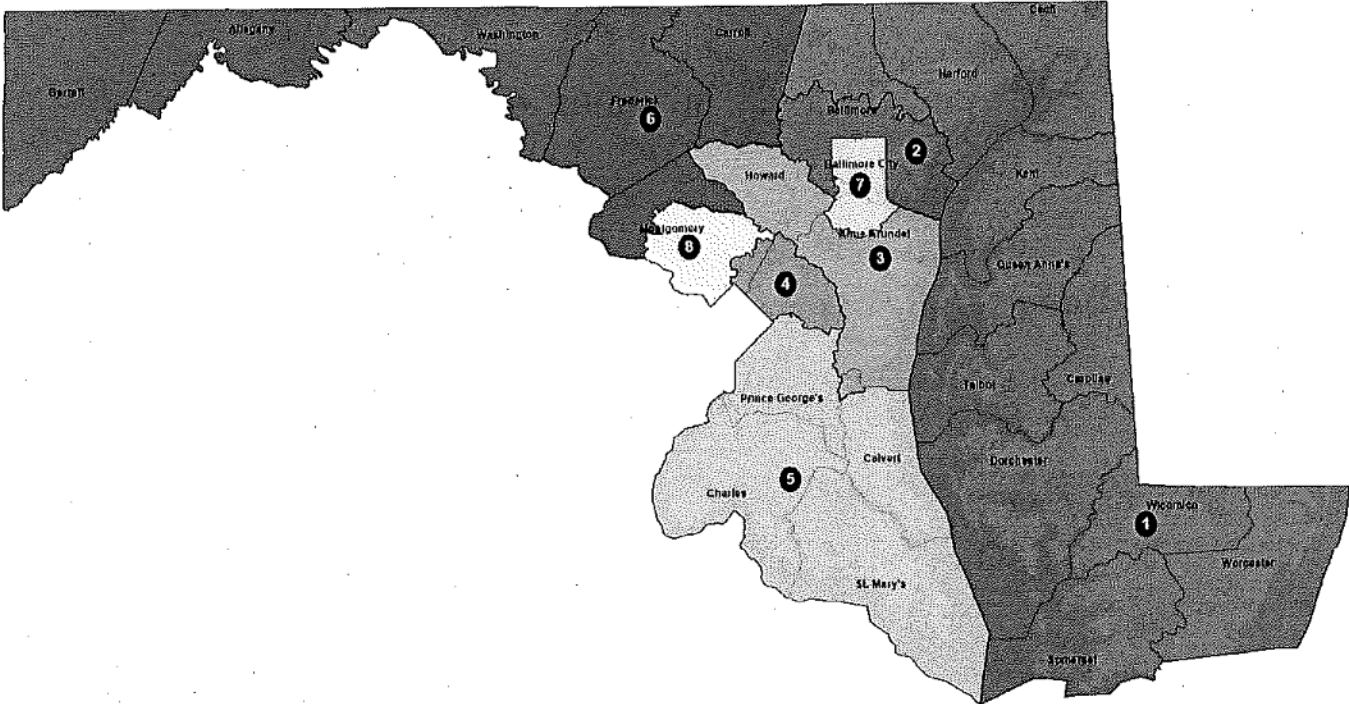
Written testimony submitted by Professor Nathaniel Persily regarding Senate Joint
Resolution 3/House Joint Resolution 1 of Maryland General Assembly, January 18, 2022
"To Be Updated on January 18, 2022"

Addendum 1

**Written testimony submitted by Professor Nathaniel Persily
regarding Senate Bill 1/House Bill 1 of
Maryland General Assembly Special Session
December 2021**

Hearing Date: December 6, 2021 - 12:30 p.m.
Bill No: HB0002/SB0002
Committees: Senate Reapportionment and Redistricting Committee
House Rules and Executive Nominations Committee

Testimony from: Nathaniel Persily, Ph.D.
Consultant to the Maryland Citizens Redistricting Commission
James B. McClatchy Professor of Law
Stanford Law School¹



¹ Affiliation for identification purposes only; appearing in personal capacity and not lobbying for or endorsing any legislation.

Chairs King and Healey, Vice-Chairs Hayes and Holmes, and Members of the Committee:

I am Nathaniel Persily, the James B. McClatchy Professor at Stanford Law School and the consultant hired to assist the Maryland Citizens Redistricting Commission (hereinafter “the Commission”). Over the past twenty years, I have assisted numerous courts and commissions throughout the nation with their redistricting processes. Most relevant for present purposes, I was appointed by the Maryland Court of Appeals, along with Karl Aro (who currently assists the Legislative Redistricting Commission), to draw a state legislative plan for Maryland following the Court’s decision in *In re Legislative Redistricting of State*, 805 A.2d 292 (Md. 2002).

My testimony today will explain how the Congressional redistricting plan proposed by the Commission complies with the applicable law and the Governor’s Executive Order 01.01.2021.02. I will also explain the principles that shaped the districts beyond those required by law.

I. Satisfaction of the Legal Constraints on the Commission’s Congressional Redistricting Plan

A. Federal Law

1. One Person, One Vote

Article I of the U.S. Constitution requires that congressional districts be “as nearly equal as is practicable.”² *Reynolds v. Sims*, 377 U.S. 533 (1964); *Wesberry v. Sanders*, 376 U.S. 1 (1964). Although departures from perfect population equality may be tolerated, they must be necessary to further certain legitimate redistricting principles. See *Tennant v. Jefferson County*, 567 U.S. 758 (2012), *Karcher v. Daggett*, 462 US 725 (1983). To avoid any hint of legal vulnerability, most congressional plans attempt to achieve perfect population equality. The Maryland Commission’s plan does exactly that.

According to the 2020 Census as modified by the prisoner adjustment done for redistricting purposes, the adjusted population for Maryland is 6,175,403.³ Therefore, perfect equality among eight districts would require 771,925.375 people per district, or more precisely, five districts with 771,925 people and three districts with 771,926 people. The Commission’s plan does precisely that, with a deviation of no more than one person between districts.

² This phrasing also appears in Section 1(c) of the Governor’s Executive Order (“Congressional districts shall ... [b]e equal in population to the extent practicable.”).

³ The unadjusted figure was 6,177,224 people, according to the Census P.L. 94-171 datafile.

2. Prohibitions on Intentional Race-based Vote Dilution or Use of Race as the Predominant Factor

The Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution limits the use of race as a criterion in drawing district lines. Mapmakers may not intentionally dilute the voting power of a racial group, *Mobile v. Bolden*, 446 U.S. 55 (1980), nor may they use race as the predominant factor in the construction of a district, unless necessary to comply with the dictates of the Voting Rights Act. *Shaw v. Reno*, 509 U.S. 630 (1993); *Virginia House of Delegates v. Bethune Hill*, 139 S. Ct. 1945 (2019).

The Commission's plan complies with Equal Protection. As will be discussed below in reference to the Voting Rights Act, the plan does not dilute the voting power of racial minorities. On the contrary, Black voters constitute a majority of the voting age population (VAP) in two districts and a near-majority in a third. Half of the districts (four of the eight) have Non-Hispanic White majorities of their voting age population, and half have voting age populations in which the majorities are not Non-Hispanic White (mirroring the population which, according to the 2020 Census is 49.9% Non-Hispanic White).

The majority-minority districts emerged, however, as a consequence of respecting political subdivision (particularly county) lines. Proposed District 7, for example, is majority Black VAP because it fully contains and respects the borders of Baltimore City, which is a majority Black city. Similarly, the other majority Black district, Proposed District 5, is a compact district in Southern Maryland with boundaries determined by the Chesapeake on the east, Washington, D.C. on the west, and an effort not to split Anne Arundel county (to the north) more than once. In short, race was not the predominant factor in the construction of any of these districts.

3. Section 2 of the Voting Rights Act

Although the plan does not use race as the predominant factor in the construction of districts, it succeeds in preventing race-based vote dilution, which is prohibited under Section 2 of the Voting Rights Act (VRA), 52 U.S.C. § 10301. As mentioned above, half of the districts are majority minority, and two (almost three) are majority Black VAP. These shares are in proportion to the population, which is a factor the Supreme Court has explained is one to be weighed in favor of the legality of a plan under section 2 of the VRA. *Johnson v. DeGrandy*, 512 U.S. 997 (1994).

The plan accurately represents minority communities in Maryland. Blacks constitute 31 percent of the voting age population in Maryland. The Commission's plan has two majority-

Black VAP districts (i.e., 25 percent of districts), as well as one more that is also likely to “perform” for Black voters (meaning they have an “equal opportunity to elect their candidates of choice”). As seen in the tables below, the voting age population of Proposed District 5 is 58.4 percent Black, for Proposed District 7 it is 50.4 percent Black, and for Proposed District 4, it is 47.1 percent Black.

No other racial minority group is large enough to constitute a majority in a single member congressional district. As seen below, although Hispanics constitute 10.2 percent of the state’s voting age population, they are too dispersed to be able to be joined into a compact majority-Hispanic district (which exists as a threshold requirement for a Section 2 district, *Thornburg v. Gingles*, 478 U.S. 30 (1986); *Bartlett v. Strickland*, 556 U.S. 1 (2009)). Asian-Americans, as well, are too small a share of the state’s voting age population (7.8%) to constitute a majority in a single member district.

Table 1. Demographic Breakdown of Proposed Congressional Districts

District	Adjusted Population	Deviation	VAP	% NH White VAP	% Black VAP	% Asian VAP	% Hispanic VAP
1	771,925	0	608,119	75.5%	15.2%	2.8%	4.5%
2	771,926	1	603,809	52.8%	32.8%	7.1%	6.0%
3	771,925	0	593,909	60.9%	18.5%	11.8%	7.4%
4	771,925	0	596,181	21.0%	47.1%	8.2%	24.1%
5	771,926	1	598,574	30.2%	58.4%	3.5%	7.3%
6	771,926	1	604,357	76.3%	9.8%	5.3%	6.8%
7	771,925	0	612,598	35.8%	50.4%	5.4%	7.5%
8	771,925	0	597,655	46.0%	15.7%	18.6%	18.6%
TOTAL	6,175,403		4,815,202	49.9%	31.0%	7.8%	10.2%

B. Additional Criteria in the Governor’s Executive Order

Beyond the requirements of federal law, Governor Hogan’s order adds other criteria that constrain available options for the congressional redistricting process. In particular, Section 1(a) of the order requires the Commission to “[r]espect natural boundaries and the geographic integrity and continuity of any municipal corporation, county, or other political subdivision to the extent practicable” and “[b]e geographically compact and include nearby areas of population to the extent practicable.” The Commission plan complies with these requirements.

1. Respecting Natural Boundaries and Political Subdivisions

The Commission's Plan respects natural boundaries and the borders of political subdivision lines. Most notably, no district crosses the Chesapeake Bay: Proposed District 1 groups together all of the counties on the Eastern Shore. The plan attempts to keep counties and municipalities together to the extent consistent with one person, one vote. No municipalities, besides counties, are split in the proposed congressional plan.

The Commission's plan only splits five counties. Three of these counties – Baltimore County, Montgomery County, and Prince George's County – have total populations exceeding the limit for a congressional district so they must be split to satisfy one person, one vote. The only other counties that are split are Calvert County and Anne Arundel County. Calvert County is barely split – 92 percent of the county's population is placed in Proposed District 5, and only 8 percent in Proposed District 3. Anne Arundel is split with 74 percent of its population in Proposed District 3 and 26 percent in Proposed District 7 (in which it is added to the district completely encompassing Baltimore City). Both of these county splits are necessary to comply with the Constitution's equal population requirement. Moreover, Montgomery County and Baltimore County, each of which contains a single district wholly within its borders, are the only counties that are split more than once, again to prevent malapportionment.

2. Compactness

The districts in the proposed plan are about as geographically compact as possible, while abiding by the other legal considerations. The strange shape of Maryland and some of its counties will necessarily affect the contours of any district that respects political subdivision lines. For example, placing the counties in Western Maryland together will inevitably create a long east-west district, and connecting the counties on the Eastern Shore together will create a long north-south district. Moreover, by respecting the boundary between Baltimore City and Baltimore County, Proposed District 2 wraps around Baltimore City. However, by both the mathematical measures of compactness presented in the chart below, as well as a more aesthetically grounded "eyeball test," the districts are much more compact than the districts in the existing Congressional plan for Maryland.

Table 2. Compactness Analysis for Commission's Proposed Congressional Districts⁴

	Reock	Schwartzberg	Alternate Schwartzberg	Polsby-Popper	Population Polygon	Area/Convex Hull	Population Circle	Ehrenburg	Perimeter	Length-Width
Sum	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,886.45	N/A
Min	0.17	1.38	1.49	0.12	0.29	0.51	0.14	0.23	N/A	1.99
Max	0.57	2.40	2.91	0.45	0.95	0.86	0.80	0.51	N/A	98.92
Mean	0.40	1.73	1.94	0.30	0.71	0.74	0.47	0.35	N/A	19.37
Std. Dev.	0.13	0.35	0.48	0.11	0.24	0.13	0.25	0.11	N/A	32.99

District	Reock	Schwartzberg	Alternate Schwartzberg	Polsby-Popper	Population Polygon	Area/Convex Hull	Population Circle	Ehrenburg	Perimeter	Length-Width
1	0.34	1.68	1.74	0.33	0.29	0.66	0.14	0.23	462.47	25.03
2	0.38	2.05	2.32	0.19	0.53	0.68	0.37	0.24	162.95	7.28
3	0.30	1.82	2.06	0.24	0.50	0.66	0.18	0.28	205.28	1.99
4	0.48	1.48	1.63	0.38	0.91	0.86	0.67	0.49	83.91	2.14
5	0.42	1.38	1.55	0.41	0.95	0.86	0.80	0.42	249.86	10.09
6	0.17	2.40	2.91	0.12	0.72	0.51	0.31	0.26	554.37	98.92
7	0.57	1.45	1.49	0.45	0.87	0.83	0.67	0.39	67.98	4.34
8	0.52	1.58	1.78	0.31	0.87	0.83	0.65	0.51	99.63	5.20

⁴ Caliper Mapping and Transportation Glossary, What Are Measures of Compactness?, at <https://www.caliper.com/glossary/what-are-measures-of-compactness.htm>:

- **Reock** – an area-based measure that compares each district to a circle, which is considered to be the most compact shape possible. The measure is always between 0 and 1, with 1 being the most compact.
- **Schwartzberg** – a perimeter-based measure that compares a simplified version of each district to a circle. The measure is usually greater than or equal to 1, with 1 being the most compact.
- **Alternate Schwartzberg** -- For each district, this Schwartzberg test computes the ratio of the perimeter of the district to the perimeter of a circle with the same area as the district. This measure is always greater than or equal to 1, with 1 being the most compact. The alternate Schwartzberg test computes one number for each district and the minimum, maximum, mean and standard deviation for the plan
- **Perimeter** – a test that lets you compare plans where the plan with the smallest perimeter is the most compact. The Perimeter test computes one number for the whole plan. If you are comparing several plans, the plan with the smallest total perimeter is the most compact.
- **Polsby-Popper** – a measure of the ratio of the district area to the area of a circle with the same perimeter. The measure is always between 0 and 1, with 1 being the most compact.
- **Length-Width** – computes the absolute difference between the width (east-west) and the height (north-south) of each district. A lower number indicates better length-width compactness.
- **Population Polygon** – computes the ratio of the district population to the approximate population of the convex hull of the district (minimum convex polygon which completely contains the district). The measure is always between 0 and 1, with 1 being the most compact.
- **Minimum Convex Polygon** – similar to the Population Polygon, but without regard to population within the areas. The measure is always between 0 and 1, with 1 being the most compact.
- **Population Circle** – computes the ratio of the district population to the approximate population of the minimum enclosing circle of the district. The measure is always between 0 and 1, with 1 being the most compact.
- **Ehrenburg** – computes the ratio of the largest inscribed circle divided by the area of the district. The measure is always between 0 and 1, with 1 being the most compact.

3. Prohibited Considerations – Partisanship and Incumbency

Section C(1)(b) of the Governor's Executive Order delineates factors the Commission may not consider in the construction of the redistricting plans. In particular, the Order prohibits considering "[h]ow individuals are registered to vote, how individuals voted in the past, or the political party to which individuals belong" and "[t]he domicile or residence of any individual, including an incumbent officeholder or a potential candidate for office." The Commission's plan abides by these restrictions and did not account for the prohibited criteria as part of the line drawing process.

II. Plan Description

The legal requirements spelled out above greatly dictated the shape of the proposed districts. Once certain natural boundaries were respected and decisions were made regarding splits of the largest counties, the options for the map became quite limited.

Two initial decisions placed a "frame" around the plan. The first was the decision, flowing from the Executive Order's requirement of respecting natural boundaries, to avoid having a district cross the Chesapeake. As a result, Proposed District 1 extends up the Eastern Shore from Somerset to Harford and enters Baltimore County from the north (as the district currently does) to achieve the requisite population to achieve equality. The second was the decision to join in Proposed District 6 the five counties (Garrett, Allegany, Washington, Frederick, and Carroll) in Western Maryland together, which grew from similar community of interest considerations. To maintain compactness, the remainder of Proposed District 6's population comes from Montgomery County.

A third decision in this vein involved Southern Maryland. The three counties there – Charles, St. Mary's and Calvert, or at least 92 percent of it) – were similarly considered to constitute a cohesive community. They are joined with the southern half of Prince George's County (basically, everything south of Bowie) to form a compact district (Proposed District 5) in Southern Maryland. Proposed District 4 fills out the rest of Prince George's County and picks up the necessary population in Montgomery County to achieve equality. 73 percent of the population in Proposed District 4 is in Prince George's County.

Proposed Districts 2 and 8 were drawn to be fully contained within Baltimore County and Montgomery County, respectively. The arching shape of Proposed District 2 is determined by the desire to respect the border between Baltimore County and Baltimore City, while keeping Proposed District 2 wholly within Baltimore County. Similarly, Proposed District 8 begins in

Montgomery County where Proposed District 6 ends. It is drawn to be a compact district that includes the large municipalities in the County (particularly, Gaithersburg and Rockville).

Proposed District 7 is a Baltimore City-based district. It fully contains the city (which constitutes 76 percent of the district) and acquires the necessary population from the remainder of Baltimore County and Anne Arundel County in order to make it as compact as possible. As a result, it seemingly takes a "bite" out of the Anne Arundel portion of Proposed District 3. However, entering in Anne Arundel allows District 3 to keep Howard County whole and to create what is basically a two-county district between Anne Arundel and Howard County. 99 percent of the population in the district lives in those two counties, with just one percent coming from Calvert to make up the necessary population.

Conclusion

The Commission's Congressional District Plan complies with all the applicable legal criteria and provides a reasoned basis for the districts even beyond what was legally required. It complies with one person one vote, avoids race-based vote dilution or use of race as a predominant factor, and complies with the Voting Rights Act. It also abides by the natural boundary, political subdivision, and compactness requirements of the Executive Order. It does all this while ignoring partisan or incumbency-related considerations.

In many respects, this congressional district map, in both substance and the procedure that led to it, could serve as a model for the nation. As is known to this Committee, I have worked with many commissions and courts, serving as a nonpartisan expert. Commissions around the country are falling apart due to partisan division, but the Maryland Citizens Redistricting Commission stands in stark contrast. Republicans, Democrats, and Independents worked together, with public input, to draw consensus maps. There were few, if any, points of significant contention, and when there were, compromise was readily sought and achieved. At a time when bipartisan and independent institutions like this Commission become an endangered species, it is worth highlighting and celebrating this rare instance of successful negotiation and commitment to serve the public interest.

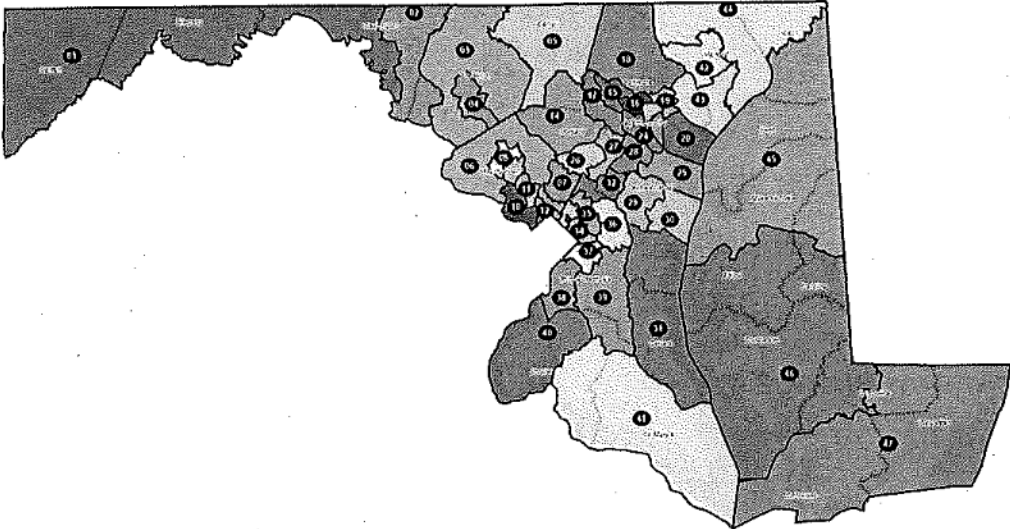
Addendum 2

**Written testimony submitted by Professor Nathaniel Persily
regarding Senate Joint Resolution 3/House Joint Resolution
1 of Maryland General Assembly, January 18, 2022**

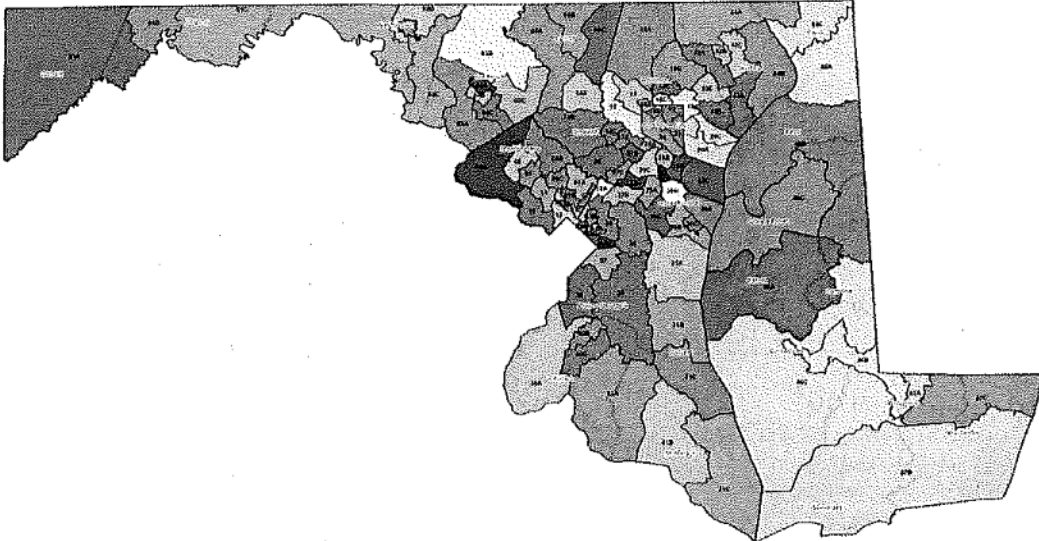
Hearing Date: January 18, 2022
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Committees: Senate Reapportionment and Redistricting Committee
House Rules and Executive Nominations Committee

Testimony from: Nathaniel Persily, Ph.D.
Consultant to the Maryland Citizens Redistricting Commission
James B. McClatchy Professor of Law
Stanford Law School¹

Maryland Citizens Redistricting Commission Senate Map



Maryland Citizens Redistricting Commission House of Delegates Map



¹ Affiliation for identification purposes only; appearing in personal capacity and not lobbying for or endorsing any legislation.

Chairs King and Healey, Vice-Chairs Hayes and Holmes, and Members of the Committee:

I am Nathaniel Persily, the James B. McClatchy Professor at Stanford Law School and the consultant hired to assist the Maryland Citizens Redistricting Commission (hereinafter “the Commission”). Over the past twenty years, I have assisted numerous courts and commissions throughout the nation with their redistricting processes. Most relevant for present purposes, I was appointed by the Maryland Court of Appeals, along with Karl Aro (who currently assists the Legislative Redistricting Advisory Commission), to draw a state legislative plan for Maryland following the Court’s decision in *In re Legislative Redistricting of State*, 805 A.2d 292 (Md. 2002).

My testimony today will explain how the Senate and House of Delegates redistricting plans proposed by the Commission comply with the applicable law and the Governor’s Executive Order 01.01.2021.02. I will also explain the principles that shaped the districts beyond those required by law. In describing these plans, I shall also compare them to the draft plan released by the Legislative Redistricting Advisory Commission (“LRAC Plan”).

I. Satisfaction of the Legal Constraints on the Commission’s Congressional Redistricting Plan

A. Federal Law

1. One Person, One Vote

The Equal Protection Clause of the 14th Amendment to the U.S. Constitution requires that state legislative districts comply with “one person, one vote.” This rule has meant that states must “make an honest and good faith effort to construct [legislative] districts . . . as nearly of equal population as is practicable.” *Reynolds v. Sims*, 377 U.S. 533, 577 (1964).² As a general rule, though, the strict population equality standard applied to congressional districts is relaxed for state legislative districts. As the Supreme Court has made clear, “‘minor deviations from mathematical equality’ do not, by themselves, ‘make out a prima facie case of invidious discrimination under the Fourteenth Amendment so as to require justification by the state.’”³ Minor deviations have been defined as those under ten percent, which usually means no district departs from the ideal population of a district by more than plus-or-minus five percent. *Brown v. Thomson*, 462 U. S. 835, 842 (1983).

² See also Section 1(d) of the Governor’s Executive Order (“Legislative districts shall be . . . [a]s nearly equal in population as is feasible given due regard for natural boundaries and the boundaries of political subdivisions.”).

³ *Harris v. Ariz. Indep. Redistricting Comm’n*, 578 U.S. ___, 137 S.Ct. 1301 (2016) (2016).

The Commission's plan also operated under a stricter population equality restriction than required by federal law. Section 1(d) of the Governor's Executive Order establishing the Commission specifies that "[l]egislative districts shall be . . . [a]s nearly equal in population as is feasible given due regard for natural boundaries and the boundaries of political subdivisions." Following these guidelines, the Commission set as its goal for the State Senate Districts that no district would vary from the ideal adjusted population of a district by more than plus-or-minus two percent and no House of Delegates district by more than plus-or-minus three percent.

According to the 2020 Census as modified by the prisoner adjustment done for redistricting purposes, the adjusted population for Maryland is 6,175,403.⁴ Therefore, perfect equality among 47 state Senate districts would require 131,391.553 people per district and among 141 House of Delegates districts, 43,797.1844 people per district. In the Commission's Senate Plan, the largest district has 133,871 people (1.89% over ideal value) and the smallest district has 128,867 people (1.92% under ideal value). In the Commission's House of Delegates plan, the largest district has 45,092 people (2.96% over ideal value) and the smallest district has 42,545 people (2.86% under ideal value).

In contrast, the LRAC plans appear to take greater advantage of permissible deviations allowed for state legislative plans, abiding by a plus-or-minus 4 percent constraint. For the LRAC Senate plan, the most overpopulated district is District 47 with 136,516 people (3.99% over ideal value) and the most underpopulated district is District 3 with 126,149 (3.99% under ideal value). For the LRAC House of Delegate plan, the most overpopulated district is three-member District 28 with 136,503 (3.89% over ideal value) and the most underpopulated district is three-member District 46 with 126,149 people (3.99% under ideal value).

⁴ The unadjusted figure was 6,177,224 people, according to the Census P.L. 94-171 datafile.

Table 1. Absolute Deviation from Equal Population

	MCRC Senate Plan	LRAC Senate Plan
Mean	1,615 (1.2%)	3,322 (2.5%)
Standard Deviation	721 (0.5%)	1,690 (1.3%)
Minimum	124 (0.09%)	110 (0.08%)
Maximum	2,525 (1.92%)	5,243 (3.99%)

	MCRC House Plan	LRAC House Plan
<i>All districts</i> (calculations weighted by # of Delegates representing each district)		
Mean %	1.4%	2.7%
Standard Deviation %	0.7%	1.2%
Minimum %	0.02%	0.08%
Maximum %	2.96%	3.99%
<i>Single-member districts</i>		
	87 districts	30 districts
Mean (%)	669 (1.5%)	1,273 (2.9%)
Standard Deviation (%)	362 (0.8%)	479 (1.1%)
Minimum (%)	9 (0.02%)	94 (0.21%)
Maximum (%)	1,295 (2.96%)	1,729 (3.95%)
<i>Two-member districts</i>		
	0 districts	12 districts
Mean (%)		2,425 (2.8%)
Standard Deviation (%)	N/A	1,149 (1.3%)
Minimum (%)		295 (0.34%)
Maximum (%)		3,475 (3.97%)
<i>Three-member districts</i>		
	18 districts	29 districts
Mean (%)	1,685 (1.3%)	3,409 (2.6%)
Standard Deviation (%)	689 (0.5%)	1,690 (1.3%)
Minimum (%)	295 (0.22%)	109 (0.08%)
Maximum (%)	2,513 (1.91%)	5,242 (3.99%)

2. Prohibitions on Intentional Race-based Vote Dilution or Use of Race as the Predominant Factor

The Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution limits the use of race as a criterion in drawing district lines. Mapmakers may not intentionally dilute the voting power of a racial group, *Mobile v. Bolden*, 446 U.S. 55 (1980), nor may they use race as the predominant factor in the construction of a district, unless necessary to comply with the dictates of the Voting Rights Act. *Shaw v. Reno*, 509 U.S. 630 (1993); *Virginia House of Delegates v. Bethune Hill*, 139 S. Ct. 1945 (2019).

The Commission's plans comply with Equal Protection. As will be discussed below in reference to the Voting Rights Act, the plan does not dilute the voting power of racial minorities. The plans also comply with *Shaw v. Reno*. The only district arguably implicating *Shaw* is Commission District 46B in Dorchester and Wicomico Counties. However, the predecessor to this district was ordered drawn by the District Court in *Marylanders for Fair Representation, Inc. v. Schaefer*, 849 F. Supp. 1022, 1056 (D. Md. 1994), pursuant to a successful lawsuit under Section 2 of the Voting Rights Act. The Commission's proposed district is more compact than both the LRAC proposal and the existing district, while still achieving a Black Voting Age Population share of 54.1%.

3. Section 2 of the Voting Rights Act and Representation of Racial Minorities

The Commission's plans comply with Section 2 of the Voting Rights Act, 52 U.S.C. § 10301. Both the Senate and House of Delegates plans avoid diluting the vote of racial minorities either through packing or cracking. Of course, given patterns of racial segregation in Maryland, several districts will have high concentrations of African Americans, particularly in Prince George's County. Moreover, because of the use of multimember districts, in evaluating minority representation it is appropriate to consider the number of minority opportunity seats, as opposed to opportunity districts, to reflect the fact that a three-member opportunity district is functionally the same as three single-member opportunity districts.

The Commission's plan accurately represents minority communities in Maryland. Blacks constitute 31 percent of the voting age population in Maryland. The Commission's Senate plan has 14 districts out of 47 in which Blacks are a majority of the voting age population in a district (BVAP), amounting to 30.0% of the Senate seats. The Commission's House plan has 43 seats out of 141 (30.5% of seats) in which Blacks constitute a majority of the voting age population of a district. Although proportionality is not required by the Voting Rights Act, the fact that a plan achieves near proportionality is a factor weighed in favor of a plan. *Johnson v. DeGrandy*, 512 U.S. 997 (1994).

The LRAC plan has many fewer majority-BVAP districts. The LRAC Senate Plan has 9 majority BVAP districts (19.1% of Senate districts). The LRAC House of Delegates plan demonstrates the same pattern with only 36 out of 141 seats (25.5%) coming from majority BVAP districts.

The story for Latinos is similar, although they are dispersed throughout Maryland such that they rarely can form a majority-minority HVAP (Hispanic Voting Age Population) district. Although they constitute 10.2% of the state's voting age population, they are not compact enough to form a majority in a Senate seat (although the HVAP in two of the Commission's Senate districts – 13 and 33 – exceed 40%). The Commission's plan avoids gratuitously breaking up compact Latino communities, even if they constitute a district minority. Consequently, the Commission's House map contains four majority HVAP districts, with one that (like the LRAC House plan) has an HVAP of nearly 65%. The difference between the plans in this regard, though, is that the Commission plan has three other House districts between 50% and 55%, whereas the next highest district for the LRAC plan is 35.9% HVAP.⁵

B. Additional Criteria in the Governor's Executive Order

Beyond the requirements of federal law, Governor Hogan's order adds other criteria that constrain available options for the congressional redistricting process. In particular, Section 1(a) of the order requires the Commission to "[r]espect natural boundaries and the geographic integrity and continuity of any municipal corporation, county, or other political subdivision to the extent practicable" and "[b]e geographically compact and include nearby areas of population to the extent practicable." The Commission plan complies with these requirements.

1. Respecting Natural Boundaries and Political Subdivisions

The Commission's plan respects natural boundaries and the borders of political subdivision lines. Most notably, no district crosses the Chesapeake Bay. The plan attempts to keep counties and municipalities together to the extent consistent with the goal of keeping low population deviations throughout the plan. The plan narrative, below, goes into greater detail how each district respects natural boundaries and political subdivision lines.

⁵ Asian-Americans, as well, are too small a share of the state's voting age population (7.8%) to constitute a majority in a single member district. However, the Commission plan, like the LRAC plan, attempts to keep the Asian Community in Ellicott City largely in one House district that is 31% Asian Voting Age Population.

Given that the Commission plan obeys a stricter population equality rule than either the LRAC plan or existing districts, one would expect it to break up a greater number of political subdivisions. However, despite the lower deviations, the Commission's plans split fewer counties than the LRAC Senate plan and roughly the same number as the LRAC Delegate Plan. The Commission's Senate plan splits 14 counties, whereas the LRAC Senate plan splits 15 counties. The Commission's House plan splits 20 counties, whereas the LRAC plan splits 19.

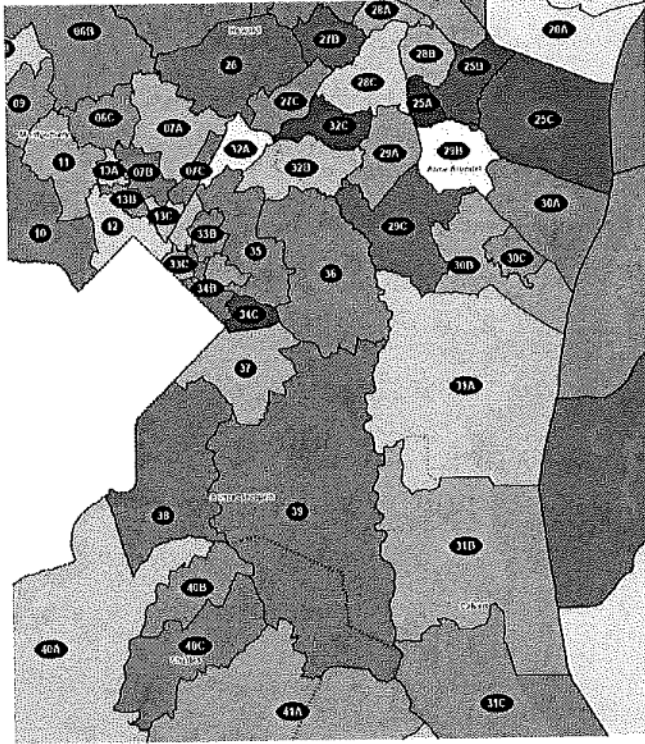
Of course, unlike the Congressional plan, most counties must be split up in order to comply with one person, one vote. Their population exceeds that of an ideal Senate or House district. However, to the extent possible, the Commission's plan minimizes traversal of county and municipal boundaries to the extent possible. This can be seen, for example, in the placing of eight complete Senate districts inside the borders of Montgomery County or four complete delegate districts within Carroll County.

2. Compactness

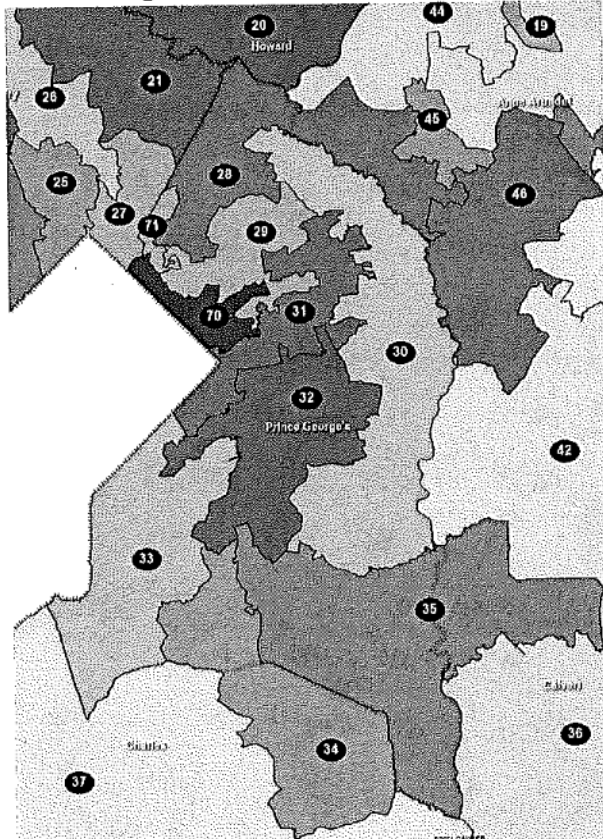
The districts in the proposed plan are about as geographically compact as possible, while abiding by the other legal considerations. The strange shape of Maryland and some of its counties will necessarily affect the contours of any district that respects political subdivision lines. For example, placing the counties in Western Maryland together will inevitably create a long east-west district, and connecting the counties on the Eastern Shore together will create a long north-south district. However, by both the mathematical measures of compactness presented in the chart below, as well as a more aesthetically grounded "eyeball test," the districts are much more compact than the districts in the existing Congressional plan for Maryland or in the LRAC proposal.

As can be seen below on every mathematical measure of compactness, the Commission's plans for the House and Senate are superior to the LRAC plan. The differences are significant and confirm what is obvious from the images of the districts. Maps of the Delegate plans in Prince George's, Baltimore, and Howard Counties are provided below. They depict coherent, compact districts in the Commission plan, as compared to what are often wandering, contorted, and stringy districts in the LRAC plan.

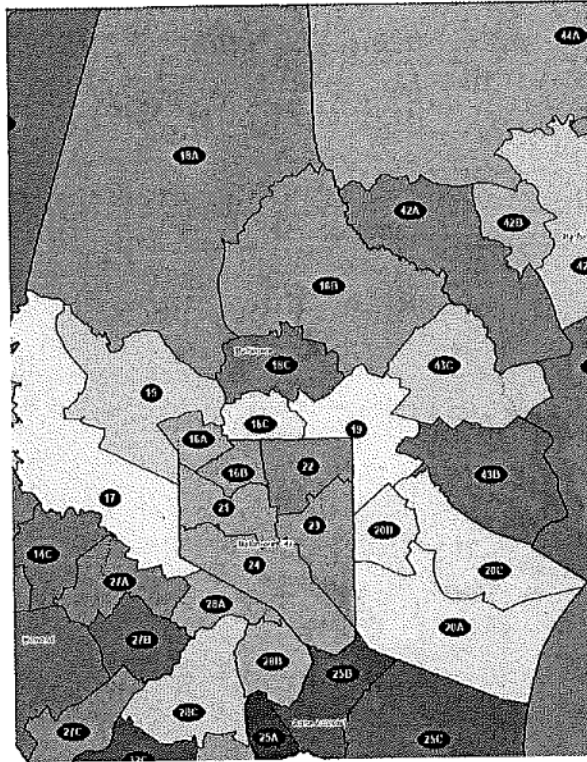
MCRC Proposed Delegate Plan for Prince George's County



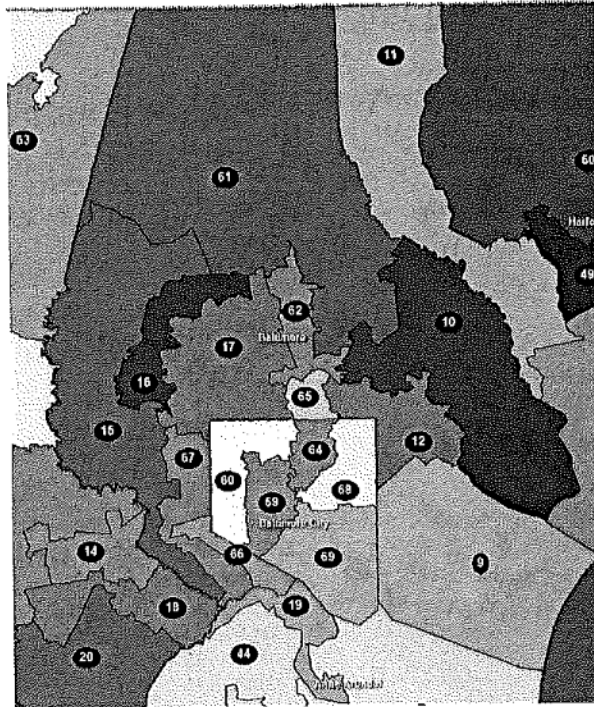
LRAC Delegate Plan for Prince George's County



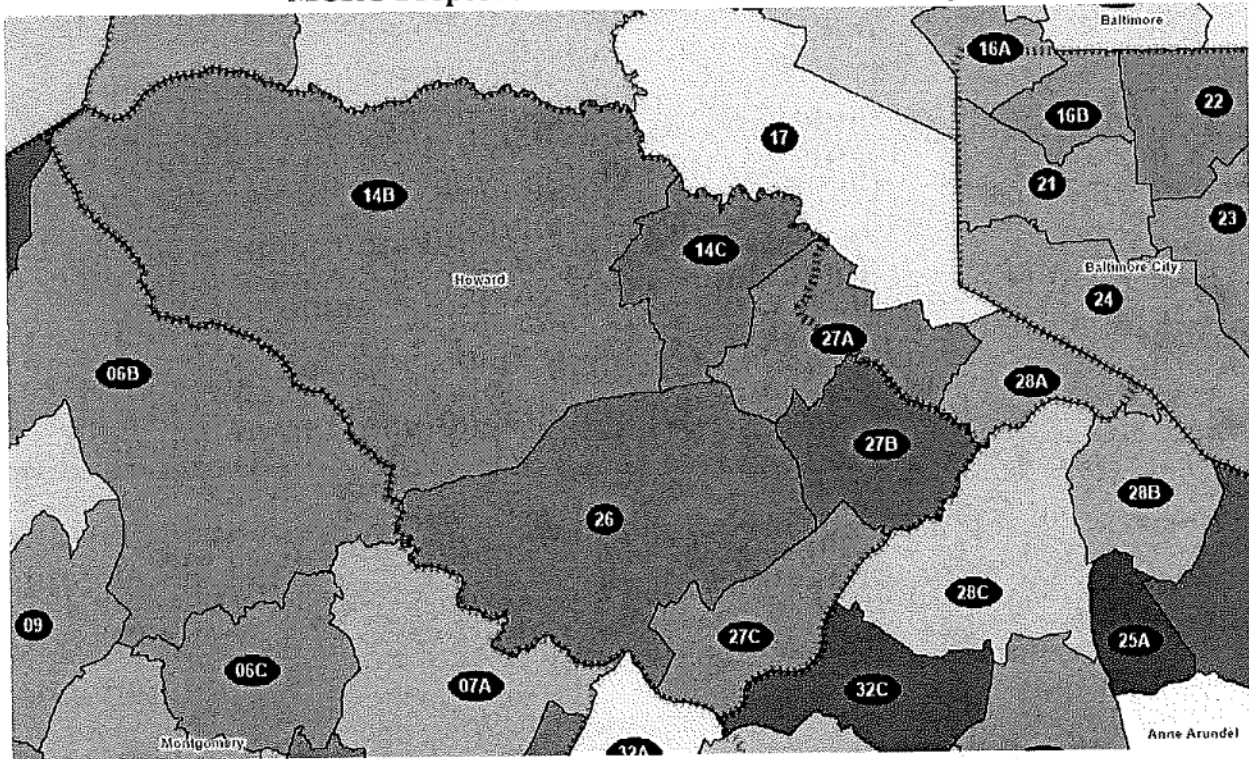
MCRC Proposed House Plan for Baltimore County



LRAC Proposed House Plan for Baltimore County



MCRC Proposed House Plan for Howard County



LRAC Proposed House Plan for Howard County

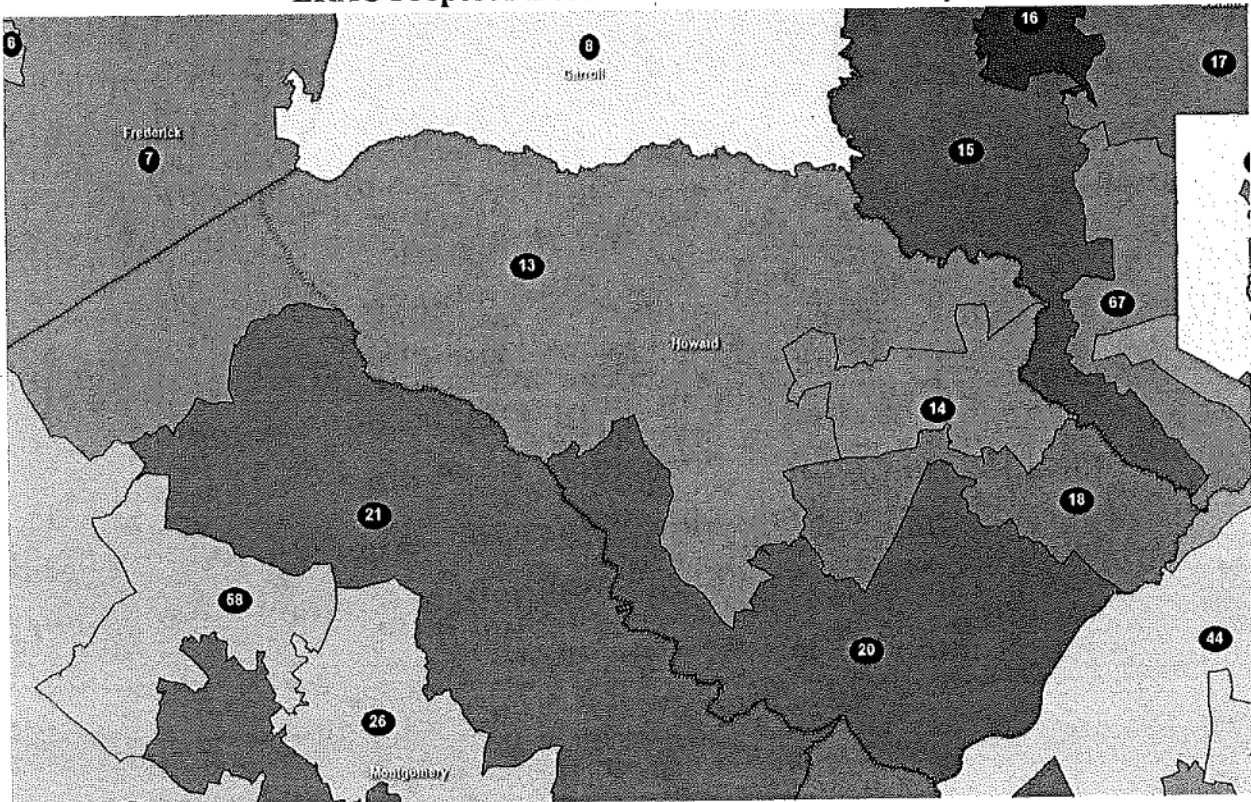


Table 2. Compactness Analysis for Commission's Proposed Senate Districts⁶

	MCRC Senate Plan	LRAC Senate Plan
Reock (higher values → more compact)		
Mean	0.44	0.39
Standard Deviation	0.10	0.12
Minimum	0.17	0.14
Maximum	0.62	0.63
Schwartzberg (lower values → more compact)		
Mean	1.62	1.92
Standard Deviation	0.26	0.43
Minimum	1.15	1.15
Maximum	2.35	3.18

⁶ Caliper Mapping and Transportation Glossary, What Are Measures of Compactness?, at <https://www.caliper.com/glossary/what-are-measures-of-compactness.htm>:

- **Reock** – an area-based measure that compares each district to a circle, which is considered to be the most compact shape possible. The measure is always between 0 and 1, with 1 being the most compact.
- **Schwartzberg** – a perimeter-based measure that compares a simplified version of each district to a circle. The measure is usually greater than or equal to 1, with 1 being the most compact.
- **Alternate Schwartzberg** -- For each district, this Schwartzberg test computes the ratio of the perimeter of the district to the perimeter of a circle with the same area as the district. This measure is always greater than or equal to 1, with 1 being the most compact. The alternate Schwartzberg test computes one number for each district and the minimum, maximum, mean and standard deviation for the plan
- **Perimeter** – a test that lets you compare plans where the plan with the smallest perimeter is the most compact. The Perimeter test computes one number for the whole plan. If you are comparing several plans, the plan with the smallest total perimeter is the most compact.
- **Polsby-Popper** – a measure of the ratio of the district area to the area of a circle with the same perimeter. The measure is always between 0 and 1, with 1 being the most compact.
- **Length-Width** – computes the absolute difference between the width (east-west) and the height (north-south) of each district. A lower number indicates better length-width compactness.
- **Population Polygon** – computes the ratio of the district population to the approximate population of the convex hull of the district (minimum convex polygon which completely contains the district). The measure is always between 0 and 1, with 1 being the most compact.
- **Minimum Convex Polygon** – similar to the Population Polygon, but without regard to population within the areas. The measure is always between 0 and 1, with 1 being the most compact.
- **Population Circle** – computes the ratio of the district population to the approximate population of the minimum enclosing circle of the district. The measure is always between 0 and 1, with 1 being the most compact.
- **Ehrenburg** – computes the ratio of the largest inscribed circle divided by the area of the district. The measure is always between 0 and 1, with 1 being the most compact.

	MCRC Senate Plan	LRAC Senate Plan
Alternate Schwartzberg (lower values → more compact)	1.76	2.08
Mean	0.33	0.50
Standard Deviation	1.18	1.16
Minimum	2.92	3.46
Maximum		
Polsby-Popper (higher values → more compact)	0.35	0.27
Mean	0.12	0.13
Standard Deviation	0.12	0.08
Minimum	0.72	0.74
Maximum		
Population Polygon (higher values → more compact)	0.77	0.68
Mean	0.13	0.15
Standard Deviation	0.25	0.37
Minimum	0.94	0.98
Maximum		
Area/Convex Hull (higher values → more compact)	0.77	0.71
Mean	0.09	0.12
Standard Deviation	0.48	0.43
Minimum	0.92	0.94
Maximum		
Population Circle (higher values → more compact)	0.48	0.40
Mean	0.16	0.18
Standard Deviation	0.06	0.06
Minimum	0.84	0.81
Maximum		
Ehrenburg (higher values → more compact)	0.39	0.33
Mean	0.11	0.13
Standard Deviation	0.17	0.10
Minimum	0.64	0.67
Maximum		
Perimeter (lower values → more compact)		
Sum	3,805.46	4,347.28

Table 3. Compactness Analysis for Commission's Proposed House of Delegate Districts

	MCRC House Plan	LRAC House Plan
Reock (higher values → more compact)		
Mean	.43	.39
Standard Deviation	.098	.118
Minimum	.17	.17
Maximum	.67	.66
Schwartzberg (lower values → more compact)		
Mean	1.59	1.92
Standard Deviation	.296	.448
Minimum	1.20	1.15
Maximum	3.23	3.97
Alternate Schwartzberg (lower values → more compact)		
Mean	1.71	2.09
Standard Deviation	.370	.542
Minimum	1.22	1.16
Maximum	4.11	4.64
Polsby-Popper (higher values → more compact)		
Mean	.37	.27
Standard Deviation	.12	.13
Minimum	.06	.05
Maximum	.68	.74
Population Polygon (higher values → more compact)		
Mean	.77	.67
Standard Deviation	.13	.15
Minimum	.20	.37
Maximum	.98	.98
Area/Convex Hull (higher values → more compact)		
Mean	.78	.71
Standard Deviation	.08	.11
Minimum	.45	.38
Maximum	.95	.94
Population Circle (higher values → more compact)		
Mean	.44	.40
Standard Deviation	.15	.18
Minimum	.09	.06
Maximum	.84	.81

	MCRC House Plan	LRAC House Plan
Ehrenburg (higher values → more compact)		
Mean	.40	.33
Standard Deviation	.11	.13
Minimum	.16	.10
Maximum	.72	.64
Perimeter (lower values → more compact)		
Sum	7,173.58	10,781.97

3. Prohibited Considerations – Partisanship and Incumbency

Section C(1)(b) of the Governor’s Executive Order delineates factors the Commission may not consider in the construction of the redistricting plans. In particular, the Order prohibits considering “[h]ow individuals are registered to vote, how individuals voted in the past, or the political party to which individuals belong” and “[t]he domicile or residence of any individual, including an incumbent officeholder or a potential candidate for office.” The Commission’s plan abides by these restrictions and did not account for the prohibited criteria as part of the line drawing process.

4. Use of Multimember Districts

Section C(1)(d)(ii) of the Governor’s Executive Order expresses a preference for the use of single-member districts in the Commission’s legislative plan. Specifically, it provides that “[t]o the extent possible and consistent with the Commission’s other duties and responsibilities, [legislative districts shall be] subdivided into single-member delegate districts.” The degree to which multimember delegate districts would be used in the Commission’s plan for the House of Delegates provoked considerable public comment and deliberation among the Commissioners. In the end, the Commission adopted a hybrid model, in which certain densely populated Senate districts would be retained as three-member delegate districts. This meant that most (but not all) districts in Baltimore City, Prince George’s County, and Montgomery County would be three-member districts, along with three others in Baltimore County that adjoined the City.

Although the Commission’s plan makes use of multimember districts, it employs them much less frequently than does the LRAC plan. The LRAC plan contains 30 single-member districts, 12 two-member districts and 29 three-member districts. In contrast, the Commission’s plan features 87 single-member districts, zero two-member districts, and 18 three-member districts.

II. Plan Description

The legal requirements and principles in the Executive Order spelled out above greatly dictated the shape of the proposed districts in the Commission's Plan. Within those constraints, though, the plan responded to feedback the Commission heard in the many public hearings that were held. The plans went through several dozen iterations, as both Commissioners and the public offered suggestions on how best to represent all regions in Maryland. What follows below is a narrative description of the Legislative plan, which depicts the House of Delegates districts but discusses the Senate districts when relevant.⁷ As the Governor's Order required a numbering of the districts beginning in the northwestern corner of the state, the following description begins with Western Maryland.

A. Western Maryland

Beginning in Western Maryland, the counties of Garrett, Allegany, Washington, Frederick, and Carroll include Senate Districts 1 through 5. Each Senate district is broken up into three single-member Delegate districts. The lines are drawn to maximize compactness, to the extent possible given the irregular boundary of the Potomac River. Senate District 1 extends from Garrett through Allegany into Washington County. Delegate District 1A contains the Garrett County municipalities of Oakland, Mountain Lake Park, Deer Park, Accident, Friendsville, plus the Allegany municipalities of Luke, Westernport, Barton, Lonaconing, Midland, and parts of Frostburg. Delegate District 1B is centered around the municipal lines of Cumberland and extends west to Frostburg. 1C does not include any incorporated municipalities but straddles the border between Allegany and Washington Counties.

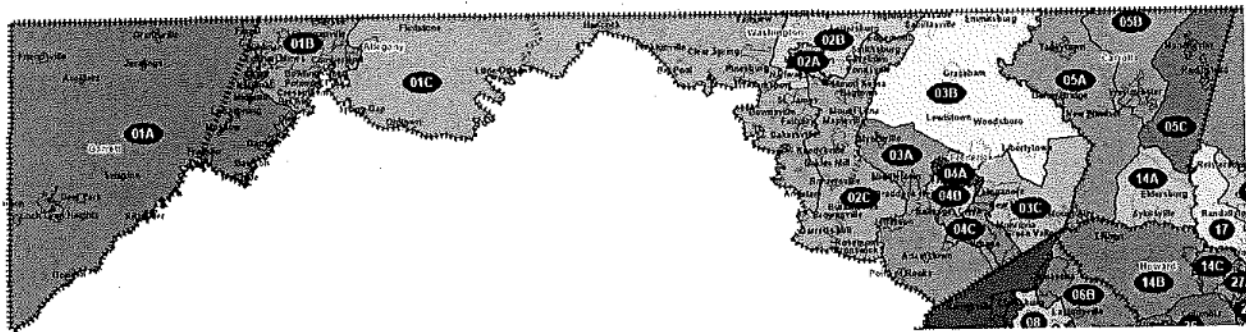
Senate District 2 is largely contained within Washington County, but extends into Frederick County, picking up Rosemont, Brunswick and Burkittsville to achieve population equality. Most notably and consistent with the current district, Delegate District 2A fully encompasses Hagerstown – its irregular shape is due to the district following the municipal lines. District 2B covers the areas immediately around Hagerstown, while 2C moves north-south along the border with Frederick County.

Senate Districts 3 and 4 are fully contained within Frederick County. Senate District 3 wraps around the city of Frederick, picking up most of the smaller municipalities in the county. Delegate District 3A includes Middletown and Myersville, 3B includes Thurmont, Emmitsburg, Woodsboro, and Walkersville. 3C covers the southeastern corner of Frederick County. Because District 3 is fully contained within Frederick County, it necessarily splits the municipality of Mount Airy, which sits on the border of Frederick and Carroll County.

⁷ Because the House districts are nested within the Senate districts (or in the case of multimember districts are coterminous with them), the principles that undergird the House districts apply to the Senate as well.

Senate District 4 contains the municipality of Frederick. Delegate Districts 4A and 4B share the municipality, which is split into northern and southern halves. Delegate District 4C extends southward from Frederick to the border with Montgomery County.

Senate District 5 is fully contained within Carroll County. Each delegate district within it is centered on a particular municipality – 5A (Taneytown), 5B (Westminster), 5C (Manchester and Hampstead). Four single member delegate districts can be placed fully within Carroll County. As a result, in addition to Senate District 5, Delegate District 14A is also fully within Carroll County centered around Eldersburg and Sykesville.



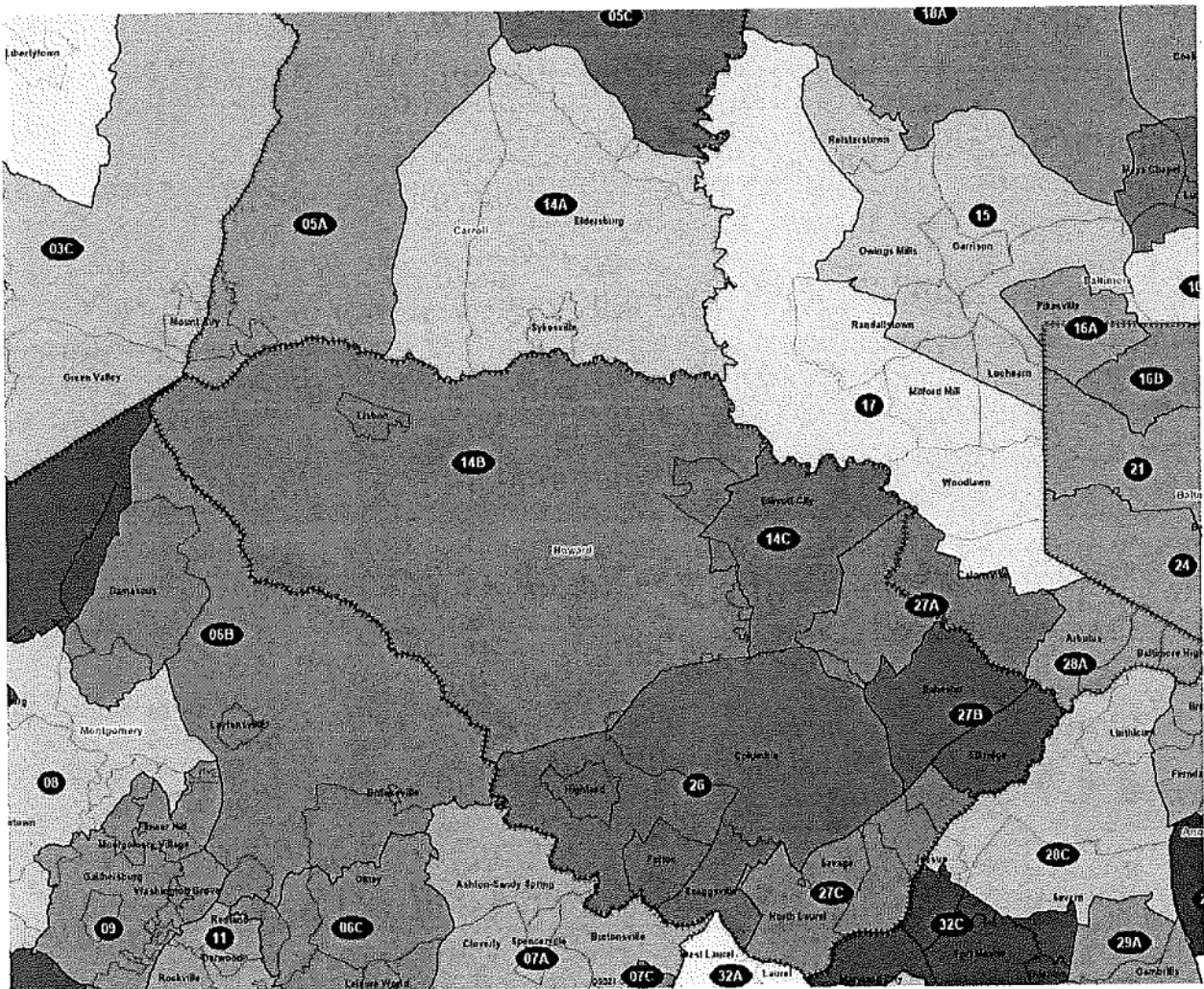
B. Montgomery County

Montgomery County fully contains eight Senate districts – Districts 6 through 13. Of those, only Districts 6, 7, and 13 are split into single-member Delegate districts. District 6 contains the more rural areas of Montgomery County, wrapping around the major urban/suburban areas. It also includes the municipalities of Poolesville, Barnesville, and Laytonsville. District 8 is centered in Germantown, District 9 in the municipality of Gaithersburg, District 10 in Potomac/Bethesda, District 11 in the municipality of Rockville and North Bethesda, and District 12 contains the municipalities of Takoma Park, North Chevy Chase, Somerset, Kensington and Garrett Park, as well as the areas of Chevy Chase and Silver Spring. Delegate District 13A is a compact district that includes the large Latino population of the Wheaton/Aspen Hill areas in a majority HVAP district; whereas 7C is a compact majority Black district positioned between Columbia Pike and the border with Prince George’s County.



C. Howard County

All of the Senate Districts in Howard County, except District 26, are split into three single-member Delegate districts. District 26 encompasses Columbia, as well as the suburbs to its west extending to the Prince George's County border. As mentioned earlier, Delegate District 14A is fully within Carroll County so the other two Delegate Districts from Senate District 14 cover northern Howard County. Like its analog in the LRAC plan, 14C captures most of Ellicott City and has the highest Asian Voting Age Population share (31%) of any district in the plan. Senate District 27 extends from Baltimore County to the border with Prince George's County, running along Howard County's border with Anne Arundel County. Delegate District 27A is the only Delegate district crossing the border between Howard County and Baltimore County.



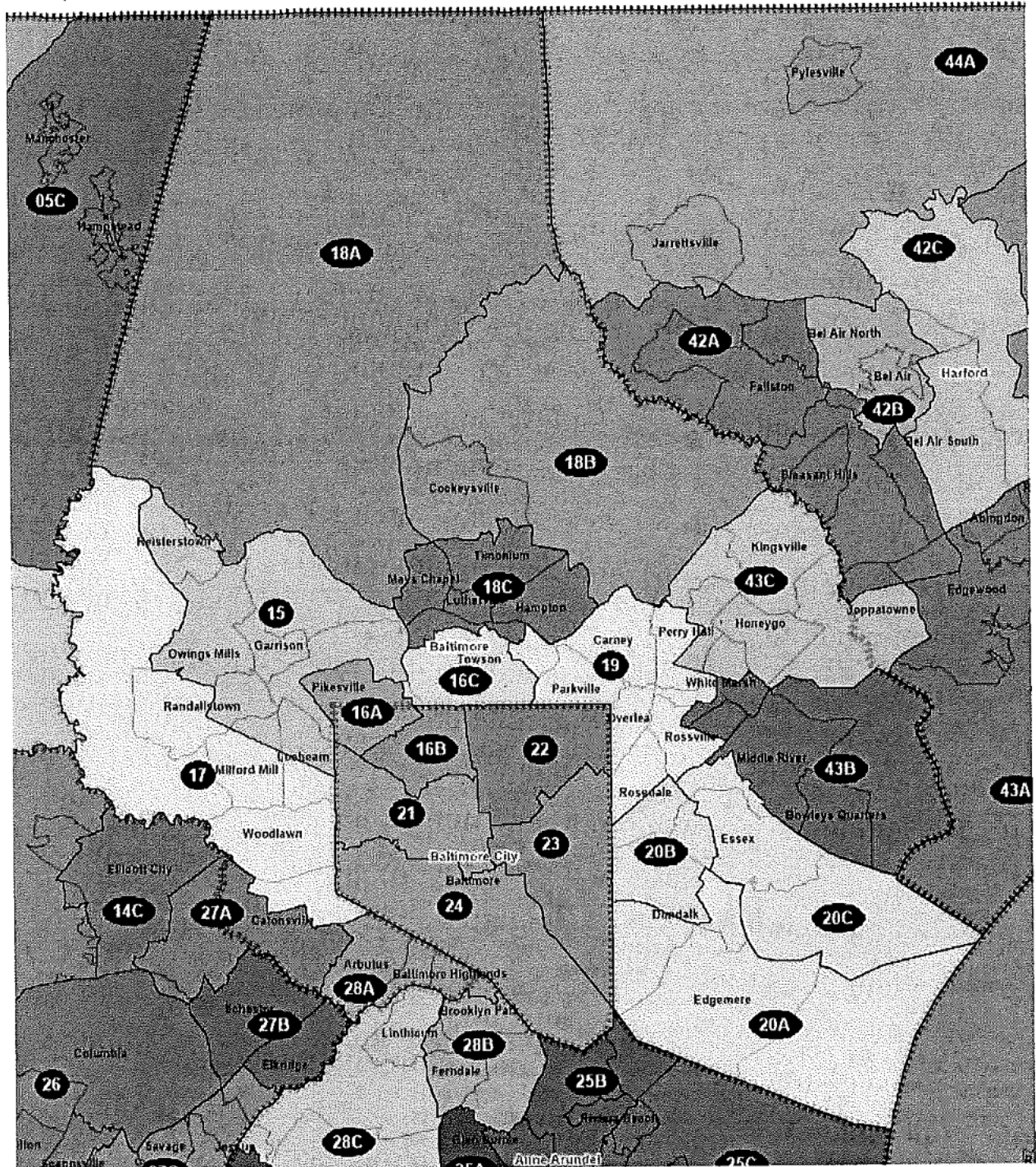
D. Baltimore City and Baltimore County

Baltimore City contains four full Senate Districts with one shared on its northern border with Baltimore County. In addition, in the crossover Senate District (District 16), one of the Delegate districts (16B) is fully within the city. The configuration of the Delegate District (16A) that crosses over into Baltimore County was heavily influenced by testimony the Commission received about the location of the Jewish Community on the City-County Border (which is split under the existing legislative districts). District 16A largely tracks the location of the “eruv” – a physically delineated boundary of religious significance to the Jewish community, which captures the area in Baltimore and Pikesville where observant Jews can carry objects on the Sabbath. In earlier version of the plan the “crossover” district went to the southeast into Dundalk. However, based on input from the community, arguing both that the community in Pikesville should be joined with the community just over the border into Baltimore and others who voiced great concern over joining Dundalk with southeastern Baltimore, the crossover district was moved to the northwest boundary. Each of the districts within the City of Baltimore, though, are compact, majority African American districts. The boundary for the districts in southern Baltimore is determined by the harbor, with Senate District 23 occupying the area northeast of the harbor and Senate District 24 running along the west. The border between District 23 and District 22 to its north generally follows Belair Road, and the border between 22 and the districts to its west follows North Charles Street.

Baltimore County contains a mixture of multimember and single-member delegate districts. Senate Districts 15 and 17 (majority Black districts just to the west of the city) and 19 (attached to the northeastern boundary of Baltimore City) are all three-member delegate districts, and the rest in the county are single-member delegate districts. As mentioned above, one delegate district (27A) crosses over from Howard County. Two other Senate districts cross the county boundary as well: Senate District 28 crosses into the southwest of Baltimore County from Anne Arundel, and Senate District 43 crosses the eastern border from Harford County. Senate District 18 covers the northern half of the land area of Baltimore County, but it is broken up into delegate districts that cover Cockeysville (18B) and Timonium, Hampton, and Mays Chapel (18C). 16C, just south of Senate District 18, covers most of Towson. The Commission had heard public testimony raising concerns in an earlier plan that had separated the neighborhood of Loch Hill from those to its west. 16C now unites all of those neighborhoods together – with the border between 16C and Senate District 19 following Loch Raven Road.

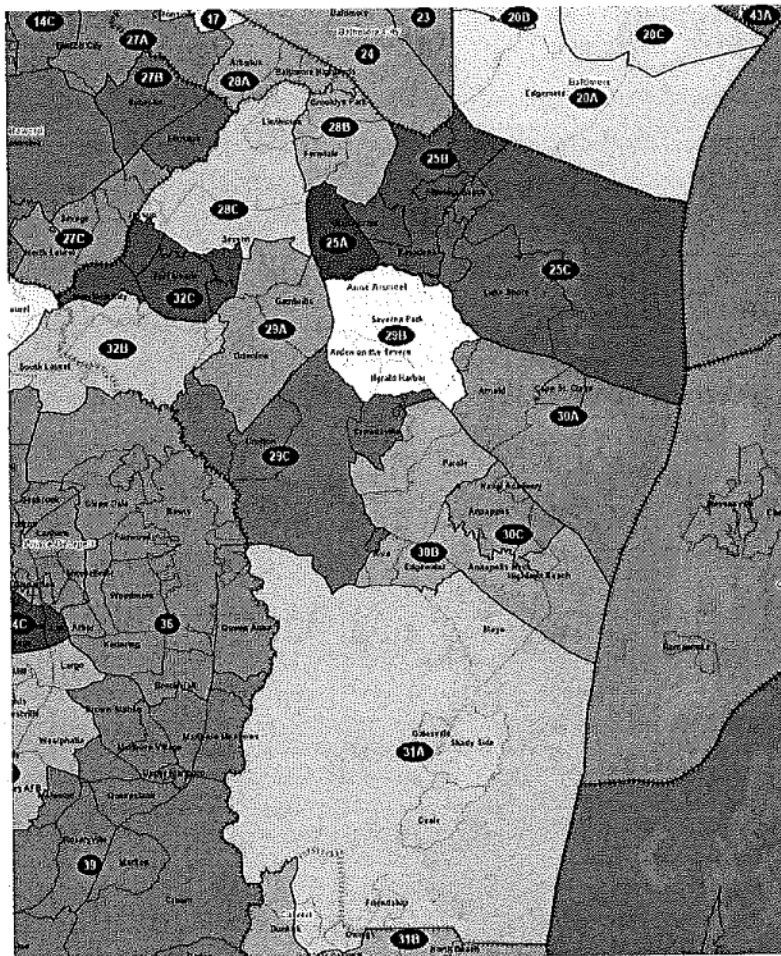
The districts in southeastern Baltimore County were the subject of considered public comment, with the Commission receiving over a hundred filed statements. The gist of those concerns was a desire to keep the areas of Edgemere, Dundalk, and Essex in one Senate district and not to cross over into Baltimore City. The Commission’s plan does exactly that. The component delegate districts have 20A as Edgemere and Dundalk, 20C as covering Essex, and

20B including parts of Dundalk, Essex and Rosedale. (None of these are incorporated municipalities.)



E. Anne Arundel County

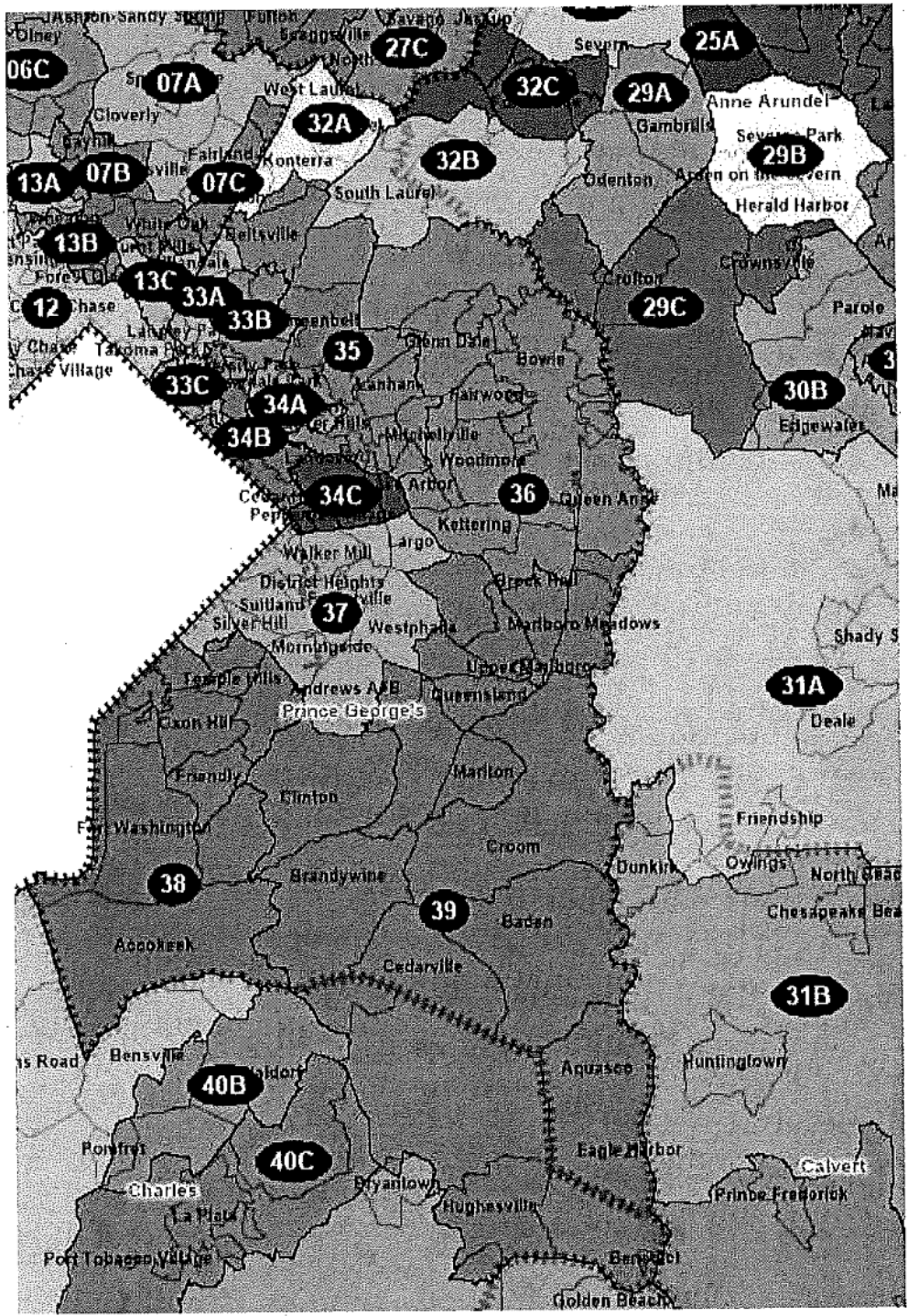
All of the Senate Districts in Anne Arundel County are broken up into three single-member delegate districts. Three districts cross over into Anne Arundel from other counties: one from the north (28 from Baltimore County), another from the South (31 from Calvert County), and a third from the west (32 from Prince George's County). Given that Anne Arundel is in the center of the state, the number of crossovers is to be expected, as outlying districts converge to get adequate population to comply with one-person, one vote. Several of the borders of the Anne Arundel districts largely track the Census Designated Places in the county. For example, Senate District 30 is an Annapolis-based district with Delegate District 30C fully encapsulating the municipality of Annapolis, 30A covering the areas of Arnold and Cape St. Claire, and 30B containing the Annapolis suburbs. Senate District 25 starts at the Baltimore City border and covers the southern half of Glen Burnie extending eastward to Lake Shore on the Chesapeake Bay. Senate District 29 covers the center of the County, with the component delegate districts covering Odenton and Gambrills (29A), Severna Park, Arden on Severn, and Herald Harbor (29B), and Crownsville and Crofton (29C). One delegate district (32C) of the crossover district into Prince George's County (Senate District 32) is drawn to cover all of Fort Meade.



F. Prince George's County

In the Commission's plan, Prince George's County is home to eight Senate districts (in whole or in part): five of those are three-member delegate districts and the remainder are broken into seven single-member delegate districts. Two Senate Districts – 32 and 39 – cross over the Prince George's County border: Delegate District 32A crosses from Anne Arundel, and 39 from Charles County. All of the districts in Prince George's County are majority African American, except Delegate District 33A (which is 64.9% Hispanic VAP), 33C (which is just over 50% Hispanic VAP), District 34A (which is 54.6% Hispanic VAP), and 33B and 32A (in which no racial group constitutes a majority).

The districts in Prince George's County were drawn largely around the municipalities, which are quite contorted in shape and overlapping. Despite the strange shapes of the underlying municipalities, the districts are generally compact and follow physical and political boundaries. Beginning with the crossover district (32) from Anne Arundel, Delegate District 32B encompasses South Laurel and Delegate District 32A captures most of the municipality of Laurel and West Laurel and Konterra. Senate District 33 in the northwest corner of the County (adjoining Montgomery County and Washington, DC) is broken into three distinct delegate districts. 33A is a compact district centered in Adelphi, 33B encompasses all of College Park, University Park, and Berwyn Heights, and 33C occupies the corner where the Montgomery County border meets the DC border. 34A is a compact district encompassing Landover Hills, Woodlawn, East Riverdale, Edmonston and most of Riverdale Park, and Bladensburg. 34B contains the municipalities of Cheverly, Colmar Manor, Cottage City and Fairmont Heights, as well as most of Hyattsville, Brentwood and Mount Rainier. 34C contains the municipality of Seat Pleasant and the areas of Peppermill Village, Summerfield and Landover. District 35 is a large multimember district with its core comprised of the municipalities of New Carrollton and Greenbelt. Likewise, District 36 encompasses all of Bowie. 37 and 38 cleave to the D.C. border, with 37 covering the municipalities of Capitol Heights, District Heights and Morningside (as well as Joint Base Andrews Naval Air Facility) and 38 extending from Glassmanor all the way to Accokeek (including the municipality of Forest Heights). 39 is the large multimember district that covers all of southeastern Prince George's County and crosses over into Charles County. It extends from the municipality of Upper Marlboro (and its surroundings) southward all the way to Hughesville in Charles County.



G. Southern Maryland

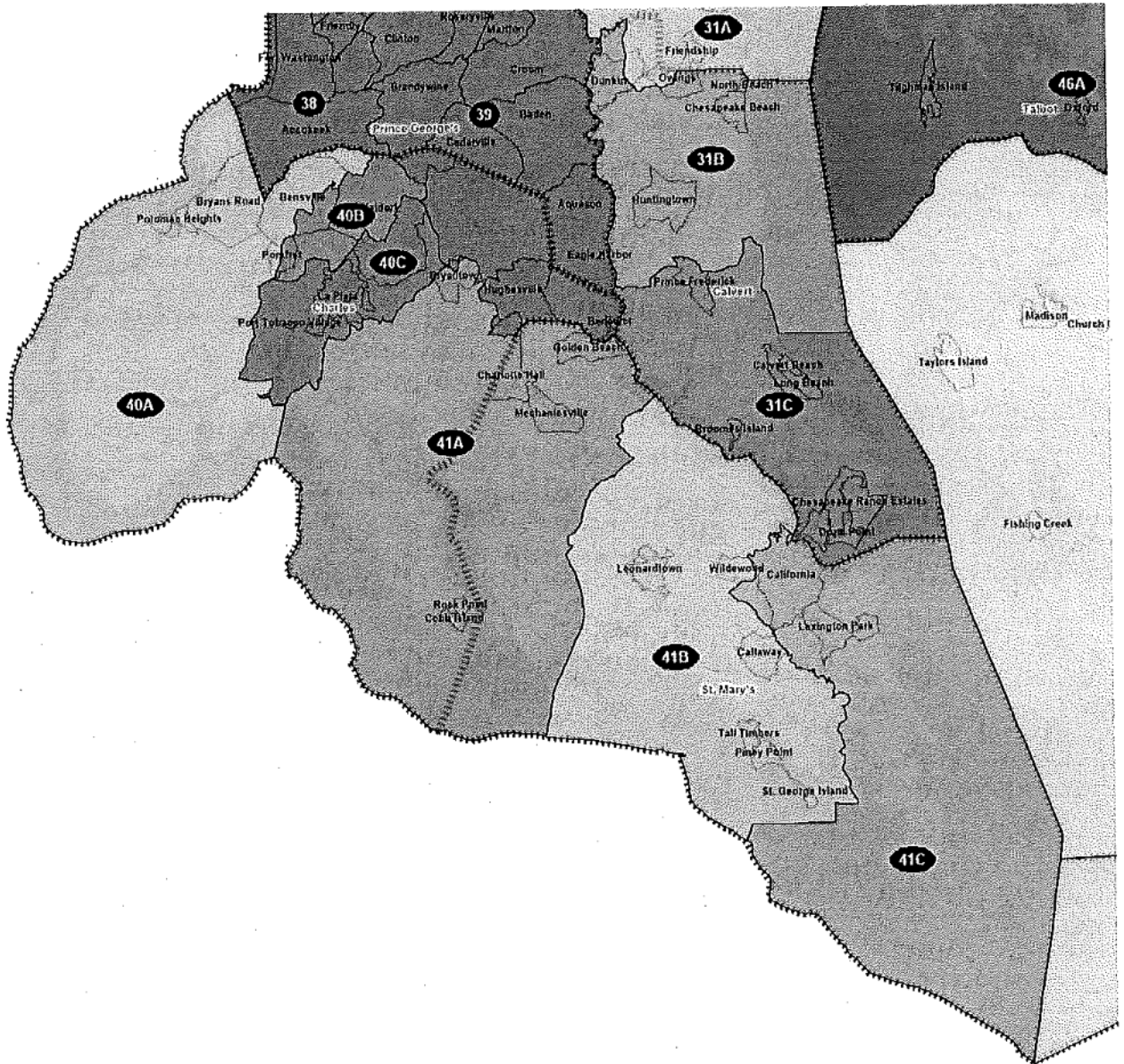
All of the districts in Southern Maryland (defined here as Charles, Calvert, and St. Mary's Counties) are broken into single-member Delegate districts. The Commission received spirited testimony regarding initial drafts of districts in Southern Maryland. Originally, in order to achieve population equality, District 31 dipped into St. Mary's County just over the Patuxent

River to access sufficient population. To address the public criticism for this move, the final plan does not have any crossover districts between Calvert and St. Mary's County. The decision to eliminate the crossover district into Calvert is what causes the crossover district (39) from Charles to Prince George's County, which is necessary to pick up the excess population caused by moving the Southern Maryland districts to the east.

The Districts in Charles County separate the county into east and west portions with the Delegate districts running north-south. Senate District 40, along with its component Delegate districts, is majority Black VAP. 40A occupies the westernmost portion of the county alongside the Potomac River, with 40C centered around the LaPlata municipality and 40B covering the geography in between.

Senate District 41 covers all of St. Mary's County and the remaining part of Charles County. The Delegate districts generally follow the geographic boundaries created by the three peninsulas in the south. District 41C stretches from the Patuxent River Airfield to the southernmost part of the county with the St. Mary's River Sanctuary and Route 471 as the border to the west. 41B then covers the next peninsula to the west, moving from St. George Island to the municipality of Leonardtown and up to the Patuxent River. 41A then covers the area straddling the Charles County – St. Mary County border.

Calvert County is too small to contain its own Senate district. District 31 covers all of Calvert County. The component Delegate districts proceed as a ladder up the county and into Anne Arundel County. Districts 31C and 31B almost fully cover Calvert with just a single precinct adjoined to 31A, which covers southern Anne Arundel County.



H. Harford County and Eastern Shore

All of the Senate districts in Harford County and the Eastern Shore are broken up into three single-member Delegate districts each. The topography of the Chesapeake Bay creates significant challenges to redistricting in this area. In particular, although water contiguity is inevitable for some parts of a plan in this region given the number of islands and inlets along the Chesapeake, travel contiguity (i.e., the ability to get from one part of a district to another through roads, bridges, or ferries) was one of the goals of the plan wherever possible.

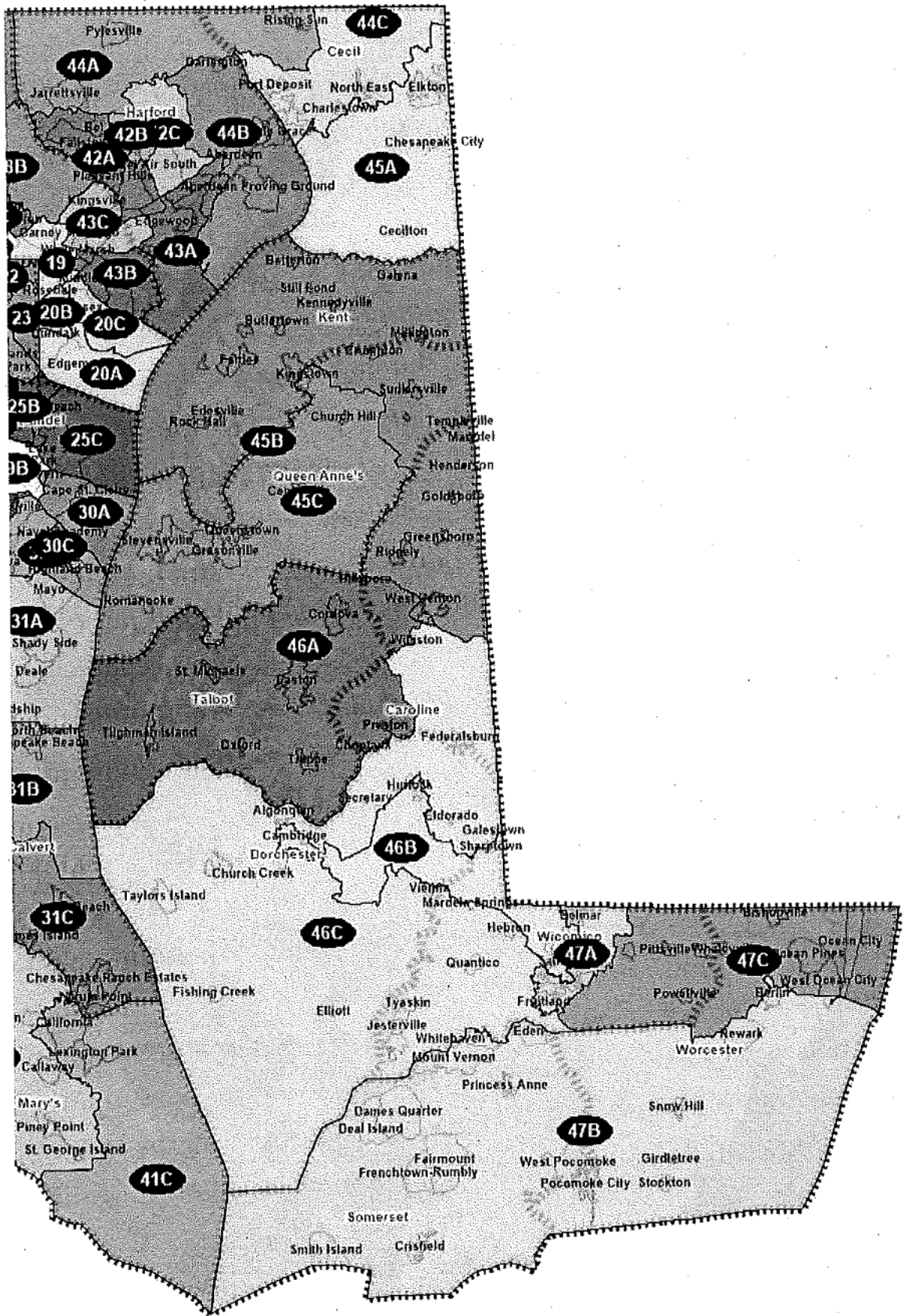
The Harford County districts can be easily explained by the geographical features there and the municipalities. Senate District 43 straddles the border between Baltimore County and Harford County, with Delegate District 43A fully contained within Harford and covering the areas along the Chesapeake (Edgewood, Abingdon, Riverside and Perryman). Senate District 42 is centered around Bel Air, with Delegate District 42A fully covering the municipality of Bel Air and 42B and 42C covering the areas to the west and east respectively. Senate District 44 stretches over the border between Harford and Cecil County, covering Aberdeen and the rural areas to the north. Delegate District 44B includes the municipalities of Aberdeen and Havre de Grace, and Delegate District 44C in Cecil includes the municipalities of Port Deposit, Perryville, Charlestown and North East.

Senate District 45 covers parts of Cecil and Caroline Counties and all of Kent and Queen Anne's County. Delegate District 45A is full within southern Cecil County, 45B covers all of Kent and the eastern portions of Queen Anne's and Caroline Counties. 45C covers all of western Queen Anne's County.

The Commission received some understandable criticism for the way districts split Caroline County. Under the plan, Caroline County is split between Senate Districts 45 and 46 and between Delegate Districts 45B, 46A, and 46C. Several forces lead to the splits. First, to maintain travel contiguity within Districts 45C and 46A, each of those districts begins at the Chesapeake and then moves east within their respective counties (Queen Anne's and Talbot). Therefore, there is nowhere else for Delegate District 45B to go, except into Caroline County. The same is true for 46C. If it were to move into and split Talbot County, the effect on 46A would be to convert it into a horseshoe-shaped district going from the Chesapeake over (or perhaps splitting) the municipality of Easton and then into southern Caroline County. Because Caroline County is landlocked, the districts surrounding it enter into Caroline County to achieve population equality because they have nowhere else to go. They are bounded either by county lines or by the Chesapeake. The Commission considered various options, but all were inferior to the final plan in some respect.

Senate District 46 is centered in Talbot and Dorchester Counties but contains portions of Caroline and Wicomico. 46A, as mentioned above is a Talbot County district that moves into Caroline just enough to pick up the requisite population while not splitting the municipality of Denton. The shape of the other component Delegate districts is determined by the need to create a majority-Black Delegate district stretching from Salisbury to Cambridge. As mentioned above, a predecessor to this district was created pursuant to a successful lawsuit under Section 2 Voting Rights Act. Nevertheless, the Commission's version of 46B is more compact than the existing configuration while maintaining a voting age population that is 54.1% Black. 46C wraps around 46B to cover the rest of Dorchester and into Caroline and Wicomico in order to achieve population equality.

Senate District 47 rounds out the plan and captures the southeast corner of Maryland. 47A contains the parts of Salisbury not in 46B, as well as the municipality of Fruitland. 47C covers the rest of Wicomico County, moving eastward all the way to Ocean City. Finally, 47B contains the municipality of Berlin (which determines its northern border) and then the rest of Worcester County and all of Somerset County, including the municipalities of Snow Hill, Pocomoke City, Princess Anne, and Crisfield.



Conclusion

The Commission's Legislative District Plan complies with all the applicable legal criteria and provides a reasoned basis for the districts even beyond what was legally required. It complies with one person one vote, avoids race-based vote dilution or use of race as a predominant factor, and complies with the Voting Rights Act. It also abides by the natural boundary, political subdivision, and compactness requirements of the Executive Order. It does all this while ignoring partisan or incumbency-related considerations.

Appendices: District Details

Table A1. MCRC Senate Plan Demographics

District	Population	Deviation	Deviation %	% Non-Hispanic White VAP	% Black VAP	% Hispanic VAP	% Asian VAP
01	129,054	-2,338	-1.8%	87.2%	7.7%	1.8%	1.3%
02	129,713	-1,679	-1.3%	76.4%	13.0%	6.1%	2.5%
03	129,566	-1,826	-1.4%	83.6%	5.1%	5.5%	3.6%
04	128,867	-2,525	-1.9%	57.6%	17.7%	15.2%	8.4%
05	129,299	-2,093	-1.6%	87.5%	4.2%	3.7%	2.3%
06	133,628	2,236	1.7%	59.9%	13.1%	10.5%	15.2%
07	132,259	867	0.7%	28.2%	40.5%	15.8%	15.3%
08	133,738	2,346	1.8%	31.2%	24.5%	19.8%	24.1%
09	133,554	2,162	1.6%	31.8%	19.9%	28.6%	19.1%
10	133,258	1,866	1.4%	63.4%	5.9%	7.1%	22.2%
11	132,797	1,405	1.1%	49.6%	12.3%	15.7%	21.1%
12	133,506	2,114	1.6%	56.1%	21.8%	12.0%	9.3%
13	129,970	-1,422	-1.1%	24.9%	21.7%	41.1%	12.0%
14	130,563	-829	-0.6%	69.8%	7.0%	3.4%	18.2%
15	130,862	-530	-0.4%	32.9%	54.1%	7.0%	5.9%
16	133,517	2,125	1.6%	53.1%	34.4%	4.6%	7.0%
17	131,686	294	0.2%	25.6%	60.4%	5.3%	8.3%
18	133,568	2,176	1.7%	78.0%	7.9%	4.6%	8.0%
19	132,736	1,344	1.0%	55.1%	29.7%	5.3%	8.6%
20	133,533	2,141	1.6%	66.5%	19.3%	8.7%	2.6%
21	129,686	-1,706	-1.3%	22.6%	67.4%	3.7%	6.0%
22	128,957	-2,435	-1.9%	26.2%	64.3%	3.8%	5.3%
23	128,984	-2,408	-1.8%	28.6%	54.3%	13.4%	3.4%
24	128,878	-2,514	-1.9%	34.7%	53.3%	7.3%	3.9%
25	131,218	-174	-0.1%	66.9%	18.7%	7.3%	4.8%
26	129,420	-1,972	-1.5%	49.7%	25.1%	7.9%	16.4%
27	133,871	2,479	1.9%	48.1%	22.6%	8.2%	20.0%
28	133,732	2,340	1.8%	57.8%	21.6%	9.7%	9.1%
29	132,631	1,239	0.9%	73.0%	13.0%	5.4%	6.6%
30	131,110	-282	-0.2%	74.0%	11.3%	9.4%	3.6%

Figures in **bold** indicate majority-minority VAP and majority Black VAP districts.

District	Population	Deviation	Deviation %	% Non-Hispanic White VAP	% Black VAP	% Hispanic VAP	% Asian VAP
31	133,471	2,079	1.6%	77.7%	13.0%	4.2%	2.5%
32	130,948	-444	-0.3%	23.7%	52.2%	15.7%	8.5%
33	130,594	-798	-0.6%	21.9%	27.8%	41.0%	9.9%
34	130,738	-654	-0.5%	10.2%	57.7%	29.6%	3.0%
35	133,072	1,680	1.3%	13.1%	57.4%	22.8%	7.3%
36	130,113	-1,279	-1.0%	18.7%	70.4%	6.3%	4.9%
37	129,598	-1,794	-1.4%	4.1%	87.1%	7.7%	1.6%
38	129,346	-2,046	-1.6%	7.4%	74.0%	13.6%	5.3%
39	130,955	-437	-0.3%	15.9%	74.9%	6.6%	2.7%
40	129,781	-1,611	-1.2%	31.4%	56.7%	6.0%	5.0%
41	129,120	-2,272	-1.7%	73.1%	15.9%	4.7%	4.0%
42	131,268	-124	-0.1%	82.5%	7.0%	3.8%	4.8%
43	132,707	1,315	1.0%	60.1%	26.8%	5.2%	6.2%
44	133,548	2,156	1.6%	81.7%	9.6%	3.9%	2.1%
45	133,417	2,025	1.5%	80.1%	10.5%	5.4%	1.9%
46	129,613	-1,779	-1.4%	65.7%	25.7%	5.4%	1.7%
47	132,953	1,561	1.2%	71.4%	19.8%	4.1%	2.9%

Figures in **bold** indicate majority-minority VAP and majority Black VAP districts.

Table A2. MCRC House Plan Demographics

District	Population	Deviation	Deviation %	% Non-Hispanic White VAP	% Black VAP	% Hispanic VAP	% Asian VAP
01A	42,775	-1,022	-2.3%	93.5%	2.6%	1.0%	0.9%
01B	43,158	-639	-1.5%	84.8%	10.3%	1.4%	1.4%
01C	43,121	-676	-1.5%	83.6%	10.0%	3.0%	1.5%
02A	43,882	85	0.2%	66.2%	21.4%	7.9%	2.7%
02B	42,923	-874	-2.0%	80.5%	8.6%	6.0%	3.0%
02C	42,908	-889	-2.0%	82.0%	9.4%	4.4%	1.9%
03A	42,750	-1,047	-2.4%	80.7%	6.4%	6.7%	4.4%
03B	42,994	-803	-1.8%	86.6%	4.6%	4.5%	2.0%
03C	43,822	25	0.1%	83.5%	4.3%	5.3%	4.4%
04A	42,676	-1,121	-2.6%	64.3%	17.6%	10.4%	6.4%
04B	43,025	-772	-1.8%	47.4%	21.3%	23.7%	6.8%
04C	43,166	-631	-1.4%	61.0%	14.1%	11.3%	12.2%
05A	42,619	-1,178	-2.7%	89.3%	3.3%	3.3%	1.8%
05B	43,206	-591	-1.3%	83.1%	6.6%	5.2%	3.1%
05C	43,474	-323	-0.7%	90.2%	2.8%	2.6%	1.9%
06A	44,179	382	0.9%	60.0%	9.4%	9.2%	20.3%
06B	45,057	1,260	2.9%	64.1%	11.1%	11.4%	11.8%
06C	44,392	595	1.4%	55.8%	18.5%	10.9%	13.8%
07A	45,092	1,295	3.0%	35.7%	30.4%	14.6%	18.5%
07B	44,082	285	0.7%	33.6%	33.9%	17.5%	14.5%
07C	43,085	-712	-1.6%	14.1%	58.8%	15.4%	12.7%
08	133,738	2,347	1.8%	31.2%	24.5%	19.8%	24.1%
	133,738	2,347	1.8%	31.2%	24.5%	19.8%	24.1%
	133,738	2,347	1.8%	31.2%	24.5%	19.8%	24.1%
09	133,554	2,163	1.6%	31.8%	19.9%	28.6%	19.1%
	133,554	2,163	1.6%	31.8%	19.9%	28.6%	19.1%
	133,554	2,163	1.6%	31.8%	19.9%	28.6%	19.1%
10	133,258	1,867	1.4%	63.4%	5.9%	7.1%	22.2%
	133,258	1,867	1.4%	63.4%	5.9%	7.1%	22.2%
	133,258	1,867	1.4%	63.4%	5.9%	7.1%	22.2%
11	132,797	1,406	1.1%	49.6%	12.3%	15.7%	21.1%
	132,797	1,406	1.1%	49.6%	12.3%	15.7%	21.1%
	132,797	1,406	1.1%	49.6%	12.3%	15.7%	21.1%
12	133,506	2,115	1.6%	56.1%	21.8%	12.0%	9.3%
	133,506	2,115	1.6%	56.1%	21.8%	12.0%	9.3%
	133,506	2,115	1.6%	56.1%	21.8%	12.0%	9.3%

Figures in **bold** indicate majority-minority VAP, majority Black VAP, and majority Hispanic VAP districts.

District	Population	Deviation	Deviation %	% Non-Hispanic White VAP	% Black VAP	% Hispanic VAP	% Asian VAP
13A	44,650	853	1.9%	14.1%	17.6%	55.2%	11.7%
13B	42,775	-1,022	-2.3%	33.6%	23.0%	30.3%	12.9%
13C	42,545	-1,252	-2.9%	27.0%	24.7%	37.5%	11.2%
14A	43,341	-456	-1.0%	85.3%	5.3%	3.3%	4.1%
14B	43,077	-720	-1.6%	68.9%	6.6%	3.0%	19.9%
14C	44,145	348	0.8%	54.7%	9.1%	3.9%	31.1%
15	130,862	-529	-0.4%	32.9%	54.1%	7.0%	5.9%
	130,862	-529	-0.4%	32.9%	54.1%	7.0%	5.9%
	130,862	-529	-0.4%	32.9%	54.1%	7.0%	5.9%
16A	44,863	1,066	2.4%	58.2%	31.0%	5.3%	3.7%
16B	43,667	-130	-0.3%	34.9%	51.5%	3.7%	9.5%
16C	44,987	1,190	2.7%	66.3%	20.7%	5.0%	7.5%
17	131,686	295	0.2%	25.6%	60.4%	5.3%	8.3%
	131,686	295	0.2%	25.6%	60.4%	5.3%	8.3%
	131,686	295	0.2%	25.6%	60.4%	5.3%	8.3%
18A	44,650	853	1.9%	85.9%	4.8%	2.7%	4.7%
18B	44,863	1,066	2.4%	70.5%	12.0%	7.3%	8.7%
18C	44,055	258	0.6%	77.5%	7.0%	3.8%	10.7%
19	132,736	1,345	1.0%	55.1%	29.7%	5.3%	8.6%
	132,736	1,345	1.0%	55.1%	29.7%	5.3%	8.6%
	132,736	1,345	1.0%	55.1%	29.7%	5.3%	8.6%
20A	44,781	984	2.2%	72.0%	15.7%	7.1%	2.2%
20B	44,512	715	1.6%	70.0%	10.6%	13.0%	3.0%
20C	44,240	443	1.0%	57.3%	31.8%	6.0%	2.6%
21	129,686	-1,705	-1.3%	22.6%	67.4%	3.7%	6.0%
	129,686	-1,705	-1.3%	22.6%	67.4%	3.7%	6.0%
	129,686	-1,705	-1.3%	22.6%	67.4%	3.7%	6.0%
22	128,957	-2,434	-1.9%	26.2%	64.3%	3.8%	5.3%
	128,957	-2,434	-1.9%	26.2%	64.3%	3.8%	5.3%
	128,957	-2,434	-1.9%	26.2%	64.3%	3.8%	5.3%
23	128,984	-2,407	-1.8%	28.6%	54.3%	13.4%	3.4%
	128,984	-2,407	-1.8%	28.6%	54.3%	13.4%	3.4%
	128,984	-2,407	-1.8%	28.6%	54.3%	13.4%	3.4%
24	128,878	-2,513	-1.9%	34.7%	53.3%	7.3%	3.9%
	128,878	-2,513	-1.9%	34.7%	53.3%	7.3%	3.9%
	128,878	-2,513	-1.9%	34.7%	53.3%	7.3%	3.9%

Figures in **bold** indicate majority-minority VAP, majority Black VAP, and majority Hispanic VAP districts.

District	Population	Deviation	Deviation %	% Non-Hispanic White VAP	% Black VAP	% Hispanic VAP	% Asian VAP
25A	42,595	-1,202	-2.7%	51.2%	30.2%	10.9%	6.2%
25B	43,906	109	0.2%	62.1%	21.8%	8.2%	5.8%
25C	44,717	920	2.1%	86.3%	5.0%	3.1%	2.6%
26	129,420	-1,971	-1.5%	49.7%	25.1%	7.9%	16.4%
	129,420	-1,971	-1.5%	49.7%	25.1%	7.9%	16.4%
	129,420	-1,971	-1.5%	49.7%	25.1%	7.9%	16.4%
27A	44,514	717	1.6%	61.3%	12.0%	4.0%	21.3%
27B	44,371	574	1.3%	52.1%	17.8%	9.0%	20.1%
27C	44,986	1,189	2.7%	30.6%	38.2%	11.8%	18.7%
28A	44,509	712	1.6%	60.0%	16.9%	11.2%	9.7%
28B	44,810	1,013	2.3%	63.3%	20.1%	9.1%	5.1%
28C	44,413	616	1.4%	50.1%	27.4%	8.8%	12.6%
29A	45,080	1,283	2.9%	62.2%	20.6%	7.2%	8.1%
29B	44,034	237	0.5%	85.6%	4.6%	3.2%	4.6%
29C	43,517	-280	-0.6%	71.7%	13.6%	5.9%	7.2%
30A	44,499	702	1.6%	82.4%	6.2%	5.1%	4.0%
30B	43,019	-778	-1.8%	82.3%	6.7%	5.7%	3.4%
30C	43,592	-205	-0.5%	57.0%	21.0%	17.6%	3.4%
31A	44,703	906	2.1%	81.4%	8.6%	5.3%	2.2%
31B	44,137	340	0.8%	77.9%	12.9%	3.6%	3.1%
31C	44,631	834	1.9%	73.8%	17.6%	3.7%	2.3%
32A	43,759	-38	-0.1%	22.7%	47.7%	18.0%	11.4%
32B	43,421	-376	-0.9%	20.6%	53.0%	20.2%	6.5%
32C	43,768	-29	-0.1%	27.5%	55.7%	9.3%	7.5%
33A	43,333	-464	-1.1%	5.8%	25.4%	64.9%	4.9%
33B	44,134	337	0.8%	48.5%	16.9%	14.0%	20.2%
33C	43,127	-670	-1.5%	5.5%	43.3%	50.1%	2.6%
34A	44,157	360	0.8%	7.1%	36.1%	54.6%	2.8%
34B	43,927	130	0.3%	20.6%	52.5%	22.5%	4.8%
34C	42,654	-1,143	-2.6%	2.1%	84.2%	13.0%	1.4%
35	133,072	1,681	1.3%	13.1%	57.4%	22.8%	7.3%
	133,072	1,681	1.3%	13.1%	57.4%	22.8%	7.3%
	133,072	1,681	1.3%	13.1%	57.4%	22.8%	7.3%
36	130,113	-1,278	-1.0%	18.7%	70.4%	6.3%	4.9%
	130,113	-1,278	-1.0%	18.7%	70.4%	6.3%	4.9%
	130,113	-1,278	-1.0%	18.7%	70.4%	6.3%	4.9%

Figures in **bold** indicate majority-minority VAP, majority Black VAP, and majority Hispanic VAP districts.

District	Population	Deviation	Deviation %	% Non-Hispanic White VAP	% Black VAP	% Hispanic VAP	% Asian VAP
37	129,598	-1,793	-1.4%	4.1%	87.1%	7.7%	1.6%
	129,598	-1,793	-1.4%	4.1%	87.1%	7.7%	1.6%
	129,598	-1,793	-1.4%	4.1%	87.1%	7.7%	1.6%
38	129,346	-2,045	-1.6%	7.4%	74.0%	13.6%	5.3%
	129,346	-2,045	-1.6%	7.4%	74.0%	13.6%	5.3%
	129,346	-2,045	-1.6%	7.4%	74.0%	13.6%	5.3%
39	130,955	-436	-0.3%	15.9%	74.9%	6.6%	2.7%
	130,955	-436	-0.3%	15.9%	74.9%	6.6%	2.7%
	130,955	-436	-0.3%	15.9%	74.9%	6.6%	2.7%
40A	42,681	-1,116	-2.5%	34.5%	53.8%	5.5%	4.9%
40B	44,137	340	0.8%	24.4%	62.1%	7.2%	5.9%
40C	42,963	-834	-1.9%	35.5%	54.1%	5.2%	4.3%
41A	42,692	-1,105	-2.5%	80.1%	12.6%	2.6%	1.7%
41B	42,893	-904	-2.1%	81.4%	8.6%	3.5%	4.1%
41C	43,535	-262	-0.6%	58.1%	26.1%	7.8%	6.2%
42A	42,711	-1,086	-2.5%	82.0%	7.7%	3.7%	4.7%
42B	44,650	853	1.9%	84.9%	5.3%	3.7%	4.2%
42C	43,907	110	0.3%	80.6%	7.9%	3.9%	5.5%
43A	44,587	790	1.8%	47.9%	39.9%	7.0%	3.7%
43B	44,027	230	0.5%	58.9%	28.3%	5.4%	5.6%
43C	44,093	296	0.7%	73.0%	12.8%	3.2%	9.1%
44A	44,366	569	1.3%	91.9%	1.7%	2.2%	1.2%
44B	44,383	586	1.3%	68.1%	20.4%	5.9%	3.5%
44C	44,799	1,002	2.3%	85.2%	6.6%	3.6%	1.5%
45A	44,537	740	1.7%	77.5%	12.4%	5.4%	2.4%
45B	44,583	786	1.8%	76.6%	12.8%	7.2%	1.5%
45C	44,297	500	1.1%	86.2%	6.3%	3.5%	1.9%
46A	43,173	-624	-1.4%	78.8%	11.9%	6.2%	1.6%
46B	42,652	-1,145	-2.6%	36.2%	54.1%	7.2%	1.8%
46C	43,788	-9	0.0%	79.1%	14.0%	3.0%	1.8%
47A	44,637	840	1.9%	64.8%	22.1%	6.1%	5.3%
47B	44,408	611	1.4%	60.7%	32.8%	3.4%	1.5%
47C	43,908	111	0.3%	88.9%	4.1%	3.0%	2.1%

Figures in **bold** indicate majority-minority VAP, majority Black VAP, and majority Hispanic VAP districts.

Table A3. LRAC Senate Plan Demographics

District	Population	Deviation	Deviation %	% Non-Hispanic White VAP	% Black VAP	% Hispanic VAP	% Asian VAP
01	132,581	1,189	0.9%	88.3%	6.4%	2.1%	1.2%
02	128,391	-3,001	-2.3%	75.9%	14.0%	5.6%	2.6%
03	126,161	-5,231	-4.0%	57.8%	18.3%	15.3%	7.5%
04	126,536	-4,856	-3.7%	82.5%	4.9%	5.7%	4.6%
05	133,491	2,099	1.6%	85.9%	5.0%	4.0%	3.0%
06	131,282	-110	-0.1%	66.5%	19.4%	8.7%	2.6%
07	129,596	-1,796	-1.4%	77.5%	10.7%	3.2%	6.5%
08	128,487	-2,905	-2.2%	50.8%	33.4%	6.0%	8.5%
09	130,281	-1,111	-0.8%	57.6%	9.4%	5.2%	26.5%
10	126,173	-5,219	-4.0%	32.5%	54.2%	6.0%	6.9%
11	126,486	-4,906	-3.7%	57.9%	28.9%	5.0%	7.5%
12	131,907	515	0.4%	51.8%	25.8%	8.9%	12.3%
13	131,054	-338	-0.3%	44.1%	27.7%	9.9%	17.4%
14	127,947	-3,445	-2.6%	43.5%	28.5%	11.9%	15.6%
15	130,414	-978	-0.7%	47.7%	13.6%	9.8%	27.9%
16	132,983	1,591	1.2%	68.3%	6.5%	8.3%	15.4%
17	134,714	3,322	2.5%	41.7%	14.9%	20.5%	22.0%
18	127,768	-3,624	-2.8%	45.2%	16.0%	25.7%	12.3%
19	128,638	-2,754	-2.1%	37.7%	21.0%	24.7%	15.3%
20	130,259	-1,133	-0.9%	33.0%	35.5%	21.9%	9.7%
21	133,497	2,105	1.6%	34.4%	32.1%	19.7%	13.5%
22	136,451	5,059	3.9%	15.5%	48.9%	29.2%	6.9%
23	135,983	4,591	3.5%	19.9%	68.3%	7.5%	4.6%
24	135,504	4,112	3.1%	5.9%	81.0%	10.7%	3.1%
25	136,069	4,677	3.6%	5.1%	85.6%	7.7%	2.1%
26	135,704	4,312	3.3%	7.1%	75.2%	13.0%	5.0%
27	136,291	4,899	3.7%	50.5%	39.8%	5.1%	3.1%
28	136,503	5,111	3.9%	38.3%	50.3%	5.5%	4.8%
29	135,606	4,214	3.2%	73.0%	16.0%	4.7%	3.9%
30	126,540	-4,852	-3.7%	73.2%	12.4%	9.6%	3.0%

Figures in **bold** indicate majority-minority VAP and majority Black VAP districts.

District	Population	Deviation	Deviation %	% Non-Hispanic White VAP	% Black VAP	% Hispanic VAP	% Asian VAP
31	130,883	-509	-0.4%	77.9%	10.2%	4.9%	4.5%
32	135,064	3,672	2.8%	43.8%	35.9%	10.7%	8.6%
33	131,878	486	0.4%	72.9%	13.8%	5.7%	5.7%
34	131,935	543	0.4%	63.6%	24.4%	6.0%	4.4%
35	134,794	3,402	2.6%	87.2%	4.7%	2.9%	2.5%
36	134,994	3,602	2.7%	81.0%	9.6%	5.3%	1.8%
37	135,428	4,036	3.1%	66.8%	24.7%	5.3%	1.8%
38	134,250	2,858	2.2%	70.7%	20.5%	4.2%	2.9%
39	133,983	2,591	2.0%	28.2%	24.5%	26.7%	20.1%
40	126,162	-5,230	-4.0%	23.5%	67.2%	4.0%	4.9%
41	126,149	-5,243	-4.0%	25.7%	66.3%	3.8%	3.7%
42	127,603	-3,789	-2.9%	81.2%	7.2%	4.2%	5.5%
43	127,154	-4,238	-3.2%	38.0%	48.2%	4.8%	8.8%
44	132,982	1,590	1.2%	38.5%	44.4%	7.0%	9.1%
45	126,182	-5,210	-4.0%	17.4%	75.1%	5.2%	1.9%
46	126,149	-5,243	-4.0%	51.7%	26.1%	15.0%	6.1%
47	136,516	5,124	3.9%	7.0%	45.9%	44.9%	3.1%

Figures in bold indicate majority-minority VAP and majority Black VAP districts.

Table A4. LRAC House Plan Demographics

District	Population	Deviation	Deviation %	% Non-Hispanic White VAP	% Black VAP	% Hispanic VAP	% Asian VAP
01A	42,868	-929	-2.1	93.4	2.6	1.0	1.0
01B	44,733	936	2.1	85.3	9.9	1.4	1.3
01C	44,980	1,183	2.7	86.5	6.3	3.9	1.4
02A	84,500	-3,094	-3.5	80.3	10.7	4.5	2.5
	84,500	-3,094	-3.5	80.3	10.7	4.5	2.5
02B	43,891	94	0.2	66.2	21.3	8.0	2.8
03	126,161	-5,230	-4.0	57.8	18.3	15.3	7.5
	126,161	-5,230	-4.0	57.8	18.3	15.3	7.5
	126,161	-5,230	-4.0	57.8	18.3	15.3	7.5
04	126,536	-4,855	-3.7	82.5	4.9	5.7	4.6
	126,536	-4,855	-3.7	82.5	4.9	5.7	4.6
	126,536	-4,855	-3.7	82.5	4.9	5.7	4.6
05	133,491	2,100	1.6	85.9	5.0	4.0	3.0
	133,491	2,100	1.6	85.9	5.0	4.0	3.0
	133,491	2,100	1.6	85.9	5.0	4.0	3.0
06	131,282	-109	-0.1	66.5	19.4	8.7	2.6
	131,282	-109	-0.1	66.5	19.4	8.7	2.6
	131,282	-109	-0.1	66.5	19.4	8.7	2.6
07A	84,123	-3,471	-4.0	74.5	12.5	3.1	7.8
	84,123	-3,471	-4.0	74.5	12.5	3.1	7.8
07B	45,473	1,676	3.8	83.2	7.2	3.4	4.0
08	128,487	-2,904	-2.2	50.8	33.4	6.0	8.5
	128,487	-2,904	-2.2	50.8	33.4	6.0	8.5
	128,487	-2,904	-2.2	50.8	33.4	6.0	8.5
09A	85,573	-2,021	-2.3	61.0	8.6	5.6	23.5
	85,573	-2,021	-2.3	61.0	8.6	5.6	23.5
09B	44,708	911	2.1	51.3	11.0	4.3	32.2
10	126,173	-5,218	-4.0	32.5	54.2	6.0	6.9
	126,173	-5,218	-4.0	32.5	54.2	6.0	6.9
	126,173	-5,218	-4.0	32.5	54.2	6.0	6.9
11A	42,367	-1,430	-3.3	34.0	51.2	7.3	7.5
11B	84,119	-3,475	-4.0	69.9	17.7	3.8	7.5
	84,119	-3,475	-4.0	69.9	17.7	3.8	7.5
12A	86,473	-1,121	-1.3	50.6	25.2	7.7	15.7
	86,473	-1,121	-1.3	50.6	25.2	7.7	15.7
12B	45,434	1,637	3.7	53.9	27.0	11.4	5.7

Figures in **bold** indicate majority-minority VAP, majority Black VAP, and majority Hispanic VAP districts.

District	Population	Deviation	Deviation %	% Non-Hispanic White VAP	% Black VAP	% Hispanic VAP	% Asian VAP
13	131,054	-337	-0.3	44.1	27.7	9.9	17.4
	131,054	-337	-0.3	44.1	27.7	9.9	17.4
	131,054	-337	-0.3	44.1	27.7	9.9	17.4
14	127,947	-3,444	-2.6	43.5	28.5	11.9	15.6
	127,947	-3,444	-2.6	43.5	28.5	11.9	15.6
	127,947	-3,444	-2.6	43.5	28.5	11.9	15.6
15	130,414	-977	-0.7	47.7	13.6	9.8	27.9
	130,414	-977	-0.7	47.7	13.6	9.8	27.9
	130,414	-977	-0.7	47.7	13.6	9.8	27.9
16	132,983	1,592	1.2	68.3	6.5	8.3	15.4
	132,983	1,592	1.2	68.3	6.5	8.3	15.4
	132,983	1,592	1.2	68.3	6.5	8.3	15.4
17	134,714	3,323	2.5	41.7	14.9	20.5	22.0
	134,714	3,323	2.5	41.7	14.9	20.5	22.0
	134,714	3,323	2.5	41.7	14.9	20.5	22.0
18	127,768	-3,623	-2.8	45.2	16.0	25.7	12.3
	127,768	-3,623	-2.8	45.2	16.0	25.7	12.3
	127,768	-3,623	-2.8	45.2	16.0	25.7	12.3
19	128,638	-2,753	-2.1	37.7	21.0	24.7	15.3
	128,638	-2,753	-2.1	37.7	21.0	24.7	15.3
	128,638	-2,753	-2.1	37.7	21.0	24.7	15.3
20	130,259	-1,132	-0.9	33.0	35.5	21.9	9.7
	130,259	-1,132	-0.9	33.0	35.5	21.9	9.7
	130,259	-1,132	-0.9	33.0	35.5	21.9	9.7
21	133,497	2,106	1.6	34.4	32.1	19.7	13.5
	133,497	2,106	1.6	34.4	32.1	19.7	13.5
	133,497	2,106	1.6	34.4	32.1	19.7	13.5
22	136,451	5,060	3.9	15.5	48.9	29.2	6.9
	136,451	5,060	3.9	15.5	48.9	29.2	6.9
	136,451	5,060	3.9	15.5	48.9	29.2	6.9
23	135,983	4,592	3.5	19.9	68.3	7.5	4.6
	135,983	4,592	3.5	19.9	68.3	7.5	4.6
	135,983	4,592	3.5	19.9	68.3	7.5	4.6
24	135,504	4,113	3.1	5.9	81.0	10.7	3.1
	135,504	4,113	3.1	5.9	81.0	10.7	3.1
	135,504	4,113	3.1	5.9	81.0	10.7	3.1

Figures in **bold** indicate majority-minority VAP, majority Black VAP, and majority Hispanic VAP districts.

District	Population	Deviation	Deviation %	% Non-Hispanic White VAP	% Black VAP	% Hispanic VAP	% Asian VAP
25	136,069	4,678	3.6	5.1	85.6	7.7	2.1
	136,069	4,678	3.6	5.1	85.6	7.7	2.1
	136,069	4,678	3.6	5.1	85.6	7.7	2.1
26	135,704	4,313	3.3	7.1	75.2	13.0	5.0
	135,704	4,313	3.3	7.1	75.2	13.0	5.0
	135,704	4,313	3.3	7.1	75.2	13.0	5.0
27A	45,471	1,674	3.8	24.1	64.9	6.9	3.5
27B	45,304	1,507	3.4	51.8	38.9	5.0	2.9
27C	45,516	1,719	3.9	75.5	15.7	3.5	2.7
28	136,503	5,112	3.9	38.3	50.3	5.5	4.8
	136,503	5,112	3.9	38.3	50.3	5.5	4.8
	136,503	5,112	3.9	38.3	50.3	5.5	4.8
29A	45,464	1,667	3.8	82.1	10.5	2.6	2.2
29B	44,663	866	2.0	58.0	26.0	7.9	6.4
29C	45,479	1,682	3.8	78.5	11.8	3.7	3.3
30A	84,165	-3,429	-3.9	69.3	14.4	11.5	3.4
30A	84,165	-3,429	-3.9	69.3	14.4	11.5	3.4
30B	42,375	-1,422	-3.2	81.3	8.3	5.7	2.2
31	130,883	-508	-0.4	77.9	10.2	4.9	4.5
	130,883	-508	-0.4	77.9	10.2	4.9	4.5
	130,883	-508	-0.4	77.9	10.2	4.9	4.5
32	135,064	3,673	2.8	43.8	35.9	10.7	8.6
	135,064	3,673	2.8	43.8	35.9	10.7	8.6
	135,064	3,673	2.8	43.8	35.9	10.7	8.6
33A	42,189	-1,608	-3.7	54.9	28.2	7.4	8.1
33B	45,469	1,672	3.8	80.3	8.1	4.8	4.8
33C	44,220	423	1.0	82.5	5.9	5.0	4.4
34A	86,564	-1,030	-1.2	55.5	32.4	6.6	3.8
34A	86,564	-1,030	-1.2	55.5	32.4	6.6	3.8
34B	45,371	1,574	3.6	78.8	9.4	4.7	5.4
35A	89,285	1,691	1.9	87.9	4.0	2.7	3.0
35A	89,285	1,691	1.9	87.9	4.0	2.7	3.0
35B	45,509	1,712	3.9	85.7	6.3	3.4	1.6
36	134,994	3,603	2.7	81.0	9.6	5.3	1.8
	134,994	3,603	2.7	81.0	9.6	5.3	1.8
	134,994	3,603	2.7	81.0	9.6	5.3	1.8

Figures in **bold** indicate majority-minority VAP, majority Black VAP, and majority Hispanic VAP districts.

District	Population	Deviation	Deviation %	% Non-Hispanic White VAP	% Black VAP	% Hispanic VAP	% Asian VAP
37A	44,467	670	1.5	38.6	51.9	7.0	1.7
37B	90,961	3,367	3.8	79.5	12.5	4.5	1.8
	90,961	3,367	3.8	79.5	12.5	4.5	1.8
38A	45,483	1,686	3.8	61.6	31.9	3.3	1.6
38B	44,005	208	0.5	62.1	24.7	6.3	5.4
38C	44,762	965	2.2	88.3	4.7	3.1	1.9
39	133,983	2,592	2.0	28.2	24.5	26.7	20.1
	133,983	2,592	2.0	28.2	24.5	26.7	20.1
	133,983	2,592	2.0	28.2	24.5	26.7	20.1
40	126,162	-5,229	-4.0	23.5	67.2	4.0	4.9
	126,162	-5,229	-4.0	23.5	67.2	4.0	4.9
	126,162	-5,229	-4.0	23.5	67.2	4.0	4.9
41	126,149	-5,242	-4.0	25.7	66.3	3.8	3.7
	126,149	-5,242	-4.0	25.7	66.3	3.8	3.7
	126,149	-5,242	-4.0	25.7	66.3	3.8	3.7
42A	42,855	-942	-2.2	89.1	2.5	2.3	3.9
42B	42,068	-1,729	-3.9	64.3	16.4	7.7	10.6
42C	42,680	-1,117	-2.6	90.1	2.8	2.6	2.0
43A	84,937	-2,657	-3.0	25.9	60.1	4.4	9.3
43A	84,937	-2,657	-3.0	25.9	60.1	4.4	9.3
43B	42,217	-1,580	-3.6	62.4	23.9	5.5	7.7
44A	45,093	1,296	3.0	54.8	21.7	10.5	11.4
44B	87,889	295	0.3	30.5	55.5	5.3	8.1
44B	87,889	295	0.3	30.5	55.5	5.3	8.1
45	126,182	-5,209	-4.0	17.4	75.1	5.2	1.9
	126,182	-5,209	-4.0	17.4	75.1	5.2	1.9
	126,182	-5,209	-4.0	17.4	75.1	5.2	1.9
46	126,149	-5,242	-4.0	51.7	26.1	15.0	6.1
	126,149	-5,242	-4.0	51.7	26.1	15.0	6.1
	126,149	-5,242	-4.0	51.7	26.1	15.0	6.1
47A	91,043	3,449	3.9	7.8	54.7	35.9	2.5
47A	91,043	3,449	3.9	7.8	54.7	35.9	2.5
47B	45,473	1,676	3.8	5.3	28.2	63.3	4.4

Figures in **bold** indicate majority-minority VAP, majority Black VAP, and majority Hispanic VAP districts.

Table A5. MCRC Senate Plan Compactness Statistics

District	Reock	Schwartz- berg	Alternate Schwartz- berg	Polsby- Popper	Population Polygon	Population Circle	Area/ Convex Hull	Ehrenberg	Perimeter
01	0.17	2.35	2.92	0.12	0.84	0.48	0.73	0.28	377.48
02	0.36	1.78	1.97	0.26	0.80	0.65	0.41	0.29	116.43
03	0.51	1.98	2.24	0.20	0.48	0.78	0.33	0.25	184.09
04	0.38	1.74	1.94	0.27	0.90	0.75	0.71	0.30	56.98
05	0.45	1.53	1.72	0.34	0.81	0.75	0.45	0.51	119.51
06	0.44	2.01	2.21	0.21	0.25	0.70	0.17	0.27	130.01
07	0.56	1.55	1.73	0.33	0.82	0.81	0.51	0.55	45.28
08	0.49	1.77	2.01	0.25	0.72	0.69	0.52	0.33	42.52
09	0.49	1.46	1.52	0.43	0.90	0.83	0.64	0.46	25.79
10	0.41	1.51	1.61	0.38	0.82	0.79	0.38	0.36	41.75
11	0.48	1.59	1.67	0.36	0.80	0.77	0.51	0.40	31.94
12	0.38	1.87	1.92	0.27	0.75	0.65	0.43	0.36	29.96
13	0.26	2.20	2.30	0.19	0.73	0.60	0.37	0.17	31.74
14	0.57	1.38	1.61	0.38	0.83	0.80	0.45	0.43	84.51
15	0.40	1.71	1.76	0.32	0.71	0.73	0.54	0.40	41.85
16	0.46	1.55	1.56	0.41	0.75	0.79	0.55	0.37	27.89
17	0.26	1.77	2.17	0.21	0.55	0.69	0.21	0.23	63.16
18	0.60	1.30	1.39	0.52	0.80	0.86	0.43	0.55	88.99
19	0.51	1.69	1.73	0.33	0.68	0.69	0.48	0.34	32.80
20	0.62	1.16	1.18	0.72	0.94	0.92	0.79	0.58	42.40
21	0.37	1.55	1.60	0.39	0.73	0.76	0.42	0.33	21.95
22	0.55	1.31	1.32	0.58	0.85	0.90	0.53	0.46	18.70
23	0.34	1.49	1.50	0.45	0.91	0.89	0.47	0.42	23.54
24	0.29	1.49	1.52	0.43	0.78	0.84	0.24	0.28	29.69
25	0.44	1.39	1.41	0.51	0.84	0.84	0.47	0.46	51.92
26	0.53	1.34	1.45	0.48	0.93	0.86	0.62	0.46	39.13
27	0.36	1.77	1.86	0.29	0.64	0.67	0.38	0.31	48.41
28	0.56	1.51	1.57	0.40	0.72	0.80	0.47	0.38	42.24
29	0.57	1.53	1.63	0.38	0.79	0.81	0.50	0.38	58.45
30	0.58	1.37	1.41	0.50	0.93	0.85	0.80	0.59	52.12
31	0.30	1.46	1.54	0.42	0.92	0.80	0.26	0.29	125.87
32	0.37	1.70	1.81	0.30	0.73	0.74	0.38	0.40	50.17
33	0.44	1.97	2.07	0.23	0.80	0.76	0.50	0.32	30.95
34	0.34	2.10	2.22	0.20	0.73	0.75	0.42	0.25	37.90
35	0.35	2.09	2.18	0.21	0.65	0.68	0.37	0.19	47.58

District	Reock	Schwartz- berg	Alternate Schwartz- berg	Polsby- Popper	Population Polygon	Population Circle	Area/ Convex Hull	Ehrenberg	Perimeter
36	0.51	1.42	1.57	0.40	0.78	0.84	0.42	0.43	50.90
37	0.48	1.50	1.55	0.41	0.82	0.79	0.54	0.56	35.14
38	0.40	1.48	1.60	0.39	0.83	0.76	0.55	0.34	51.58
39	0.44	1.64	1.79	0.31	0.79	0.80	0.38	0.43	100.73
40	0.53	1.15	1.39	0.52	0.93	0.89	0.84	0.48	94.07
41	0.36	1.41	1.50	0.45	0.85	0.86	0.65	0.40	166.12
42	0.46	1.59	1.82	0.30	0.87	0.75	0.65	0.43	70.48
43	0.48	1.67	1.94	0.26	0.66	0.74	0.46	0.40	85.94
44	0.35	1.96	2.24	0.20	0.43	0.72	0.34	0.28	179.32
45	0.34	1.57	1.68	0.35	0.86	0.84	0.06	0.53	216.70
46	0.61	1.42	1.52	0.43	0.77	0.86	0.38	0.64	231.58
47	0.31	1.57	1.68	0.35	0.78	0.85	0.62	0.39	229.20

Table A6. MCRC House Plan Compactness Statistics

District	Reock	Schwartz- berg	Alternate Schwartz- berg	Polsby- Popper	Populatio n Polygon	Populatio n Circle	Area/ Convex Hull	Ehrenberg	Perimeter
01A	0.44	1.33	1.56	0.41	0.87	0.88	0.77	0.50	150.7
01B	0.59	1.42	1.64	0.37	0.89	0.84	0.84	0.47	57.0
01C	0.18	2.31	2.90	0.12	0.56	0.51	0.42	0.26	228.1
02A	0.36	3.23	4.11	0.06	0.78	0.62	0.63	0.32	50.9
02B	0.27	2.58	2.88	0.12	0.44	0.73	0.37	0.25	90.1
02C	0.31	1.94	2.21	0.20	0.53	0.62	0.15	0.27	107.4
03A	0.36	1.82	1.98	0.25	0.28	0.67	0.19	0.26	88.5
03B	0.55	1.55	1.74	0.33	0.80	0.78	0.24	0.41	103.6
03C	0.49	1.63	1.77	0.32	0.80	0.78	0.52	0.38	62.1
04A	0.46	1.58	1.79	0.31	0.94	0.76	0.53	0.48	25.6
04B	0.47	1.62	1.71	0.34	0.70	0.72	0.50	0.33	23.0
04C	0.40	1.72	1.86	0.29	0.83	0.66	0.56	0.26	40.7
05A	0.34	1.74	1.96	0.26	0.63	0.63	0.27	0.31	94.1
05B	0.41	1.52	1.56	0.41	0.89	0.75	0.60	0.33	51.7
05C	0.35	1.40	1.51	0.44	0.79	0.84	0.33	0.34	57.0
06A	0.36	1.62	1.76	0.32	0.20	0.74	0.09	0.41	83.7
06B	0.42	1.54	1.69	0.35	0.55	0.77	0.26	0.42	52.1
06C	0.57	1.52	1.64	0.37	0.80	0.84	0.52	0.45	25.9
07A	0.44	1.63	1.84	0.30	0.62	0.73	0.29	0.36	38.4
07B	0.38	1.72	1.83	0.30	0.59	0.74	0.27	0.36	22.7
07C	0.23	1.60	1.62	0.38	0.87	0.80	0.40	0.23	15.9
08	0.49	1.77	2.01	0.25	0.72	0.69	0.52	0.33	42.5
09	0.49	1.46	1.52	0.43	0.90	0.83	0.64	0.46	25.8
10	0.41	1.51	1.61	0.38	0.82	0.79	0.38	0.36	41.8
11	0.48	1.59	1.67	0.36	0.80	0.77	0.51	0.40	31.9
12	0.38	1.87	1.92	0.27	0.75	0.65	0.43	0.36	30.0

District	Reock	Schwartz- berg	Alternate Schwartz- berg	Polsby- Popper	Populatio n Polygon	Populatio n Circle	Area/ Convex Hull	Ehrenberg	Perimeter
13A	0.46	1.76	1.80	0.31	0.80	0.70	0.62	0.47	13.1
13B	0.32	1.72	1.81	0.30	0.79	0.77	0.42	0.39	14.7
13C	0.46	1.54	1.60	0.39	0.84	0.82	0.44	0.43	13.5
14A	0.58	1.23	1.56	0.41	0.95	0.85	0.80	0.61	45.7
14B	0.49	1.28	1.44	0.48	0.74	0.87	0.30	0.51	58.7
14C	0.52	1.47	1.62	0.38	0.82	0.77	0.58	0.47	24.8
15	0.40	1.71	1.76	0.32	0.71	0.73	0.54	0.40	41.8
16A	0.50	1.27	1.28	0.61	0.89	0.88	0.63	0.51	12.7
16B	0.50	1.38	1.39	0.52	0.78	0.80	0.51	0.52	13.3
16C	0.55	1.28	1.29	0.60	0.89	0.93	0.52	0.51	14.7
17	0.26	1.77	2.17	0.21	0.55	0.69	0.21	0.23	63.2
18A	0.55	1.32	1.37	0.53	0.67	0.88	0.29	0.53	72.6
18B	0.59	1.40	1.59	0.40	0.81	0.81	0.50	0.42	51.8
18C	0.52	1.42	1.52	0.43	0.78	0.83	0.36	0.35	24.8
19	0.51	1.69	1.73	0.33	0.68	0.69	0.48	0.34	32.8
20A	0.41	1.50	1.53	0.43	0.72	0.74	0.37	0.31	40.8
20B	0.56	1.23	1.25	0.64	0.92	0.90	0.50	0.68	16.0
20C	0.30	1.50	1.55	0.42	0.78	0.79	0.37	0.35	31.8
21	0.37	1.55	1.60	0.39	0.73	0.76	0.42	0.33	22.0
22	0.55	1.31	1.32	0.58	0.85	0.90	0.53	0.46	18.7
23	0.34	1.49	1.50	0.45	0.91	0.89	0.47	0.42	23.5
24	0.29	1.49	1.52	0.43	0.78	0.84	0.24	0.28	29.7
25A	0.53	1.24	1.24	0.65	0.94	0.92	0.63	0.54	12.3
25B	0.47	1.49	1.55	0.42	0.66	0.70	0.51	0.35	25.8
25C	0.58	1.20	1.22	0.68	0.89	0.95	0.42	0.64	38.2

District	Reock	Schwartz- berg	Alternate Schwartz- berg	Polsby- Popper	Populatio n Polygon	Populatio n Circle	Area/ Convex Hull	Ehrenberg	Perimeter
26	0.53	1.34	1.45	0.48	0.93	0.86	0.62	0.46	39.1
27A	0.41	1.60	1.68	0.35	0.75	0.74	0.32	0.38	26.0
27B	0.61	1.29	1.42	0.49	0.87	0.85	0.71	0.55	21.0
27C	0.35	1.50	1.54	0.42	0.80	0.76	0.35	0.33	22.9
28A	0.36	1.52	1.60	0.39	0.86	0.76	0.43	0.42	19.2
28B	0.67	1.24	1.27	0.62	0.90	0.91	0.73	0.70	17.5
28C	0.47	1.45	1.52	0.43	0.72	0.84	0.30	0.45	30.0
29A	0.46	1.34	1.41	0.50	0.82	0.87	0.42	0.52	25.3
29B	0.58	1.25	1.30	0.60	0.90	0.85	0.67	0.72	23.7
29C	0.46	1.73	1.88	0.28	0.64	0.66	0.35	0.36	47.4
30A	0.45	1.24	1.25	0.64	0.98	0.92	0.39	0.57	31.5
30B	0.33	2.08	2.25	0.20	0.46	0.65	0.35	0.16	54.6
30C	0.52	1.56	1.80	0.31	0.93	0.80	0.83	0.48	21.8
31A	0.57	1.28	1.38	0.53	0.72	0.88	0.30	0.71	67.9
31B	0.40	1.53	1.62	0.38	0.77	0.78	0.60	0.48	73.0
31C	0.38	1.37	1.42	0.49	0.95	0.84	0.44	0.34	66.8
32A	0.37	1.50	1.57	0.41	0.84	0.78	0.37	0.56	20.4
32B	0.34	1.52	1.63	0.38	0.82	0.80	0.29	0.34	31.6
32C	0.35	1.50	1.54	0.42	0.75	0.74	0.44	0.35	22.7
33A	0.27	1.59	1.61	0.39	0.90	0.77	0.35	0.30	12.9
33B	0.55	1.43	1.53	0.43	0.86	0.83	0.61	0.42	15.8
33C	0.42	1.86	1.94	0.27	0.67	0.69	0.51	0.36	14.2
34A	0.52	1.60	1.74	0.33	0.77	0.79	0.58	0.45	14.9
34B	0.24	2.35	2.44	0.17	0.49	0.61	0.26	0.22	25.6
34C	0.55	1.24	1.25	0.64	0.93	0.91	0.64	0.51	13.1
35	0.35	2.09	2.18	0.21	0.65	0.68	0.37	0.19	47.6
36	0.51	1.42	1.57	0.40	0.78	0.84	0.42	0.43	50.9
37	0.48	1.50	1.55	0.41	0.82	0.79	0.54	0.56	35.1
38	0.40	1.48	1.60	0.39	0.83	0.76	0.55	0.34	51.6

District	Reock	Schwartz- berg	Alternate Schwartz- berg	Polsby- Popper	Populatio n Polygon	Populatio n Circle	Area/ Convex Hull	Ehrenberg	Perimeter
39	0.44	1.64	1.79	0.31	0.79	0.80	0.38	0.43	100.7
40A	0.43	1.30	1.59	0.40	0.60	0.80	0.31	0.47	93.3
40B	0.35	1.61	1.70	0.35	0.76	0.79	0.42	0.28	32.4
40C	0.35	1.67	1.75	0.32	0.82	0.77	0.43	0.25	48.0
41A	0.62	1.30	1.41	0.51	0.87	0.89	0.51	0.55	97.9
41B	0.46	1.44	1.66	0.36	0.57	0.81	0.36	0.33	94.3
41C	0.36	1.47	1.62	0.38	0.78	0.80	0.60	0.37	105.3
42A	0.30	1.60	1.80	0.31	0.73	0.76	0.21	0.30	48.8
42B	0.48	1.51	1.59	0.40	0.85	0.82	0.69	0.47	21.9
42C	0.40	1.62	1.82	0.30	0.62	0.70	0.33	0.29	43.4
43A	0.27	1.71	2.06	0.24	0.87	0.70	0.34	0.21	63.6
43B	0.51	1.32	1.39	0.52	0.81	0.87	0.40	0.60	31.5
43C	0.51	1.38	1.47	0.46	0.77	0.85	0.44	0.52	32.4
44A	0.29	1.65	1.78	0.31	0.77	0.79	0.18	0.35	90.8
44B	0.40	1.51	1.74	0.33	0.66	0.79	0.19	0.31	80.0
44C	0.38	1.79	2.03	0.24	0.78	0.75	0.46	0.38	83.4
45A	0.45	1.50	1.68	0.35	0.74	0.83	0.42	0.65	91.3
45B	0.44	1.79	1.95	0.26	0.70	0.71	0.48	0.21	179.9
45C	0.35	1.63	1.86	0.29	0.92	0.73	0.22	0.33	132.4
46A	0.46	1.43	1.58	0.40	0.84	0.80	0.43	0.45	131.1
46B	0.17	2.84	3.02	0.11	0.64	0.45	0.39	0.17	127.9
46C	0.42	2.24	2.41	0.17	0.39	0.69	0.19	0.31	292.0
47A	0.32	2.19	2.42	0.17	0.62	0.66	0.53	0.24	57.5
47B	0.28	1.49	1.61	0.39	0.90	0.84	0.25	0.30	192.1
47C	0.31	1.60	1.69	0.35	0.78	0.83	0.37	0.35	102.3

Table A7. LRAC Senate Plan Compactness Statistics

District	Reock	Schwartz-berg	Alternate Schwartz-berg	Polsby-Popper	Populatio n Polygon	Populatio n Circle	Area/ Convex Hull	Ehrenberg	Perimeter
1	0.16	2.18	2.70	0.14	0.93	0.61	0.63	0.29	343.39
2	0.28	2.13	2.51	0.16	0.76	0.60	0.32	0.20	165.03
3	0.54	1.66	1.87	0.29	0.93	0.81	0.81	0.54	53.15
4	0.62	1.94	2.20	0.21	0.47	0.82	0.39	0.19	178.34
5	0.41	2.23	2.67	0.14	0.74	0.61	0.49	0.26	171.60
6	0.61	1.15	1.16	0.74	0.98	0.94	0.77	0.58	41.64
7	0.24	2.15	2.30	0.19	0.49	0.65	0.13	0.24	115.37
8	0.40	1.96	2.03	0.24	0.65	0.65	0.42	0.35	37.33
9	0.27	1.86	2.05	0.24	0.59	0.67	0.13	0.29	99.92
10	0.21	2.21	2.60	0.15	0.37	0.55	0.11	0.22	92.49
11	0.63	1.53	1.58	0.40	0.69	0.87	0.42	0.67	47.95
12	0.14	2.87	3.01	0.11	0.49	0.43	0.15	0.17	70.78
13	0.32	1.94	2.11	0.22	0.67	0.65	0.36	0.36	61.80
14	0.32	1.78	1.97	0.26	0.59	0.72	0.15	0.20	75.82
15	0.45	1.48	1.58	0.40	0.47	0.81	0.28	0.42	75.68
16	0.54	1.54	1.68	0.36	0.78	0.73	0.69	0.30	38.29
17	0.34	2.08	2.25	0.20	0.75	0.70	0.49	0.21	39.80
18	0.41	1.64	1.76	0.32	0.80	0.83	0.45	0.43	28.27
19	0.27	2.06	2.28	0.19	0.66	0.69	0.26	0.22	50.93
20	0.42	1.65	1.72	0.34	0.73	0.76	0.46	0.30	26.60
21	0.29	2.56	2.83	0.13	0.42	0.50	0.20	0.14	82.78
22	0.45	2.80	2.94	0.12	0.61	0.64	0.48	0.24	56.98
23	0.24	2.38	2.76	0.13	0.44	0.55	0.15	0.22	104.10
24	0.22	3.18	3.46	0.08	0.58	0.57	0.25	0.10	76.13
25	0.44	2.25	2.36	0.18	0.58	0.67	0.38	0.38	67.70
26	0.32	1.81	1.94	0.27	0.78	0.77	0.47	0.32	60.08
27	0.46	1.65	1.82	0.30	0.69	0.79	0.42	0.39	135.19
28	0.50	1.50	1.76	0.32	0.75	0.72	0.59	0.36	151.34
29	0.40	1.47	1.56	0.41	0.90	0.83	0.81	0.32	160.57
30	0.49	1.54	1.66	0.36	0.88	0.84	0.50	0.42	89.77
31	0.41	1.93	1.96	0.26	0.55	0.72	0.33	0.39	78.82
32	0.36	1.80	1.88	0.28	0.79	0.75	0.41	0.29	48.93
33	0.34	2.50	2.67	0.14	0.50	0.57	0.29	0.18	106.47
34	0.44	1.63	1.74	0.33	0.76	0.76	0.59	0.38	89.25
35	0.41	1.66	1.76	0.32	0.65	0.85	0.46	0.36	120.72

District	Reock	Schwartz- berg	Alternate Schwartz- berg	Polsby- Popper	Population Polygon	Population Circle	Area/ Convex Hull	Ehrenberg	Perimeter
36	0.32	1.57	1.66	0.36	0.86	0.86	0.06	0.51	211.28
37	0.56	1.49	1.61	0.39	0.79	0.85	0.45	0.62	248.53
38	0.31	1.60	1.73	0.33	0.79	0.86	0.63	0.39	235.40
39	0.46	2.06	2.17	0.21	0.62	0.63	0.52	0.22	41.46
40	0.46	1.74	1.78	0.32	0.81	0.81	0.51	0.44	23.84
41	0.38	1.71	1.73	0.33	0.68	0.73	0.31	0.18	28.00
42	0.46	2.15	2.39	0.18	0.46	0.69	0.20	0.37	162.08
43	0.35	1.76	1.82	0.30	0.82	0.78	0.45	0.29	24.80
44	0.26	1.88	1.94	0.27	0.58	0.58	0.22	0.20	37.45
45	0.47	1.51	1.52	0.43	0.82	0.82	0.45	0.39	21.75
46	0.59	1.32	1.33	0.57	0.79	0.90	0.50	0.61	26.61
47	0.27	2.72	2.81	0.13	0.52	0.47	0.37	0.23	43.07

Table A8. LRAC House Plan Compactness Statistics

District	Reock	Schwartz- berg	Alternate Schwartz- berg	Polsby- Popper	Population Polygon	Population Circle	Area/ Convex Hull	Ehrenberg	Perimeter
01A	0.43	1.49	1.74	0.33	0.82	0.85	0.74	0.51	166.72
01B	0.37	1.71	1.97	0.26	0.88	0.80	0.80	0.40	74.69
01C	0.17	2.04	2.59	0.15	0.77	0.66	0.43	0.30	191.74
02A	0.27	2.32	2.72	0.13	0.51	0.58	0.22	0.17	175.65
02B	0.37	3.22	4.07	0.06	0.78	0.63	0.63	0.32	50.90
3	0.54	1.66	1.87	0.29	0.93	0.81	0.81	0.54	53.15
4	0.62	1.94	2.20	0.21	0.47	0.82	0.39	0.19	178.34
5	0.41	2.23	2.67	0.14	0.74	0.61	0.49	0.26	171.60
6	0.61	1.15	1.16	0.74	0.98	0.94	0.77	0.58	41.64
07A	0.37	1.83	2.01	0.25	0.52	0.76	0.19	0.25	70.97
07B	0.19	2.05	2.24	0.20	0.43	0.59	0.11	0.27	79.86
8	0.40	1.96	2.03	0.24	0.65	0.65	0.42	0.35	37.33
09A	0.25	2.03	2.23	0.20	0.52	0.65	0.11	0.24	102.57
09B	0.36	1.93	2.06	0.24	0.66	0.65	0.34	0.23	32.61
10	0.21	2.21	2.60	0.15	0.37	0.55	0.11	0.22	92.49
11A	0.25	2.28	2.46	0.17	0.65	0.55	0.27	0.21	41.65
11B	0.52	1.73	1.84	0.30	0.63	0.79	0.38	0.49	46.17
12A	0.25	1.96	2.13	0.22	0.62	0.62	0.31	0.27	39.83
12B	0.23	2.44	2.55	0.15	0.51	0.44	0.26	0.24	36.40

District	Reock	Schwartz- berg	Alternate Schwartz- berg	Polsby- Popper	Population Polygon	Population Circle	Area/ Convex Hull	Ehrenberg	Perimeter
13	0.32	1.94	2.11	0.22	0.66	0.65	0.36	0.36	61.80
14	0.32	1.78	1.97	0.26	0.59	0.72	0.15	0.20	75.82
15	0.45	1.48	1.58	0.40	0.47	0.81	0.28	0.42	75.68
16	0.54	1.54	1.68	0.36	0.78	0.73	0.69	0.30	38.29
17	0.34	2.08	2.25	0.20	0.75	0.70	0.49	0.21	39.80
18	0.41	1.64	1.76	0.32	0.80	0.83	0.45	0.43	28.27
19	0.27	2.06	2.28	0.19	0.66	0.69	0.26	0.22	50.93
20	0.42	1.65	1.72	0.34	0.73	0.76	0.46	0.30	26.60
21	0.29	2.56	2.83	0.13	0.42	0.50	0.20	0.14	82.78
22	0.45	2.80	2.94	0.12	0.61	0.64	0.49	0.24	56.98
23	0.24	2.38	2.76	0.13	0.44	0.55	0.15	0.22	104.10
24	0.22	3.18	3.46	0.08	0.58	0.57	0.25	0.10	76.13

District	Reock	Schwartz- berg	Alternate Schwartz- berg	Polsby- Popper	Population Polygon	Population Circle	Area/ Convex Hull	Ehrenberg	Perimeter
25	0.44	2.25	2.36	0.18	0.58	0.67	0.38	0.38	67.70
26	0.32	1.81	1.94	0.27	0.78	0.77	0.47	0.32	60.08
27A	0.33	1.75	1.85	0.29	0.55	0.67	0.29	0.40	58.70
27B	0.38	1.95	2.22	0.20	0.52	0.61	0.27	0.30	92.09
27C	0.51	1.54	1.72	0.34	0.78	0.87	0.64	0.55	91.13
28	0.50	1.50	1.76	0.32	0.75	0.72	0.59	0.36	151.34
29A	0.46	1.44	1.56	0.41	0.76	0.75	0.52	0.51	87.92
29B	0.36	1.46	1.53	0.43	0.77	0.80	0.63	0.42	99.00
29C	0.37	2.06	2.27	0.19	0.44	0.63	0.34	0.25	129.14
30A	0.44	1.50	1.61	0.39	0.87	0.79	0.60	0.44	45.31
30B	0.65	1.42	1.52	0.43	0.76	0.86	0.53	0.57	70.16
31	0.41	1.93	1.96	0.26	0.55	0.72	0.33	0.39	78.82
32	0.36	1.80	1.88	0.28	0.80	0.75	0.41	0.29	48.93
33A	0.39	1.87	2.01	0.25	0.84	0.64	0.70	0.24	25.33
33B	0.40	1.77	1.91	0.27	0.59	0.77	0.20	0.28	58.39
33C	0.28	1.76	1.84	0.29	0.76	0.78	0.29	0.45	40.80
34A	0.41	1.40	1.47	0.46	0.88	0.86	0.40	0.41	72.21
34B	0.41	1.60	1.72	0.34	0.71	0.76	0.55	0.48	25.84
35A	0.66	1.47	1.57	0.41	0.73	0.89	0.52	0.52	86.12
35B	0.55	1.57	1.64	0.37	0.85	0.82	0.59	0.64	67.73
36	0.32	1.57	1.66	0.36	0.86	0.86	0.06	0.51	211.28

District	Reock	Schwartz- berg	Alternate Schwartz- berg	Polsby- Popper	Population Polygon	Population Circle	Area/ Convex Hull	Ehrenberg	Perimeter
37A	0.18	3.97	4.64	0.05	0.63	0.38	0.40	0.11	202.88
37B	0.52	2.27	2.55	0.15	0.57	0.80	0.30	0.21	378.55
38A	0.29	1.60	1.85	0.29	0.78	0.81	0.31	0.35	203.79
38B	0.28	2.67	3.04	0.11	0.64	0.60	0.53	0.14	58.95
38C	0.41	1.84	2.13	0.22	0.74	0.70	0.41	0.21	164.43
39	0.46	2.06	2.17	0.21	0.62	0.63	0.52	0.22	41.46
40	0.46	1.74	1.78	0.32	0.81	0.81	0.50	0.44	23.84
41	0.38	1.71	1.73	0.33	0.68	0.73	0.31	0.18	28.00
42A	0.50	1.63	1.72	0.34	0.48	0.79	0.26	0.59	92.12
42B	0.23	2.60	2.85	0.12	0.59	0.49	0.41	0.17	39.30
42C	0.36	2.09	2.38	0.18	0.52	0.73	0.31	0.23	94.16
43A	0.43	1.62	1.66	0.36	0.86	0.83	0.49	0.51	17.15
43B	0.58	1.40	1.45	0.47	0.82	0.81	0.58	0.60	12.84
44A	0.17	1.88	1.90	0.28	0.61	0.58	0.21	0.20	19.44
44B	0.22	2.22	2.27	0.19	0.53	0.57	0.20	0.26	37.24
45	0.47	1.51	1.52	0.43	0.81	0.82	0.45	0.39	21.75
46	0.59	1.32	1.33	0.57	0.79	0.90	0.51	0.61	26.61
47A	0.28	2.10	2.13	0.22	0.55	0.59	0.38	0.30	28.45
47B	0.24	2.27	2.43	0.17	0.72	0.58	0.33	0.20	18.20





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SPECIAL MAGISTRATE'S REPORT

APPENDIX III

PETITIONERS' PROPOSED FINDINGS OF FACT

MISC. NO. 25

IN THE COURT OF APPEALS OF
OF MARYLAND

IN THE MATTER OF
2022 LEGISLATIVE
DISTRICTING OF THE STATE

PETITIONERS:
MARK N. FISHER
NICHOLAUS R. KIPKE
KATHRYN SZELIGA

MISC. NO. 25

**PETITIONERS' PROPOSED FINDINGS OF FACT, PROPOSED GOVERNING LEGAL
STANDARDS, AND OPPOSITION TO RESPONDENT'S MOTION TO DISMISS**

Pursuant to the Court's February 18, 2022 Scheduling Order, Petitioners Mark N. Fisher, Nicholas R. Kipke, and Kathryn Szeliga respectfully submit their Proposed Findings of Fact, Proposed Governing Legal Standards, and Opposition to Respondent's Motion to Dismiss.

I. PROPOSED FINDINGS OF FACT

The below proposed findings of fact are based on an anticipated joint stipulation by the parties, anticipated witness testimony, and exhibits expected to be introduced into evidence. Petitioners respectfully request that the Special Magistrate allow them to supplement or amend these proposed findings of fact should new or additional information emerge during the merits hearing or be developed through the direct or cross-examination of witnesses.

Petitioners

1. Mark N. Fisher is a registered voter in Maryland. Mr. Fisher currently serves as a member of Maryland's House of Delegates and has been a member of the House of Delegates since 2011. He is a Republican elected official who represents Maryland citizens in Calvert County.

2. Nicholas R. Kipke is a registered voter in Maryland. Mr. Kipke currently serves as a member of Maryland's House of Delegates and has been a member of the House of Delegates

since 2007. He is a Republican elected official who represents Maryland citizens in Anne Arundel County.

3. Kathryn Szeliga is a registered voter in Maryland. Ms. Szeliga currently serves as a member of Maryland's House of Delegates and has been a member of the House of Delegates since 2011. She is a Republican elected official who represents Maryland citizens in Baltimore and Harford Counties.

The MCRC State Legislative Redistricting Plan

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

5. Over the course of the following months, the MCRC held over 30 public meetings with a total of more than 4,000 attendees from around the State. The Commission provided a public online application portal for citizens to prepare and submit maps, and it received a total of 86 maps for consideration.

6. After receiving public input and deliberating, on November 5, 2021, the MCRC recommended a State legislative redistricting plan to Governor Hogan.

7. On January 12, 2022, the first day of the 2022 legislative session of the General Assembly, Governor Hogan submitted the MCRC's State legislative districting plan without

change to the General Assembly. It was introduced to the Maryland General Assembly as Senate Joint Resolution No. 3 and House Joint Resolution No. 1. The MCRC's redistricting plan was referred to committee and never acted upon.

Enactment of the 2021 State Legislative Redistricting Plan

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

9. The LRAC included Senator Ferguson, Delegate Jones, Senator Melony Griffith, and Delegate Eric G. Luedtke, all of whom are Democratic members of Maryland's General Assembly. Two Republicans, Senator Bryan W. Simonaire and Delegate Jason C. Buckel, also were appointed to the LRAC by Senator Ferguson and Delegate Jones. Karl S. Aro, who is not a member of Maryland's General Assembly, was appointed as Chair of the LRAC by Senator Ferguson and Delegate Jones.

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

11. At the conclusion of the public hearings, the Department of Legislative Services ("DLS") was directed to produce a State legislative redistricting plan for the LRAC's consideration.

12. On January 7, 2022, the LRAC adopted a State legislative redistricting plan (the "Plan"). Both Republican members of the LRAC opposed the Plan.

13. On January 12, 2022, the Plan was submitted to the General Assembly as Senate Joint Resolution No. 2 and House Joint Resolution No. 2.

14. On January 27, 2022, the Plan was passed by the General Assembly and became law. All 32 Democratic members of Maryland's Senate voted in favor of the Plan. All 14 Republican members of the Maryland Senate present voted in opposition to the Plan.¹ In the House of Delegates, 95 of the 96 Democratic members of the House of Delegates present voted in favor of the Plan.² All 42 Republican members of the House of Delegates voted in opposition to the Plan.

Measures of Compactness

15. Petitioners introduced evidence concerning four commonly used metrics for measuring the compactness of legislative districts: Reock, Polsby-Popper, Inverse Schwartzberg, and Convex Hull. The four metrics address different aspects of compactness.

16. The first three metrics are based on comparing a drawn electoral district to a circle, which is the most compact shape. The Reock score looks at the ratio of the area of the district to the area of the smallest circle that would enclose the district (also known as a "minimum bounding circle"). A "perfect" Reock score is 1, while a zero is a theoretical perfectly non-compact district.

17. The Polsby-Popper score looks at the ratio of the area of a district to the area of a circle that has the same perimeter as the district. A "perfect" Polsby-Popper score is 1, while a theoretical perfectly non-compact district would score a zero. In a state like Maryland with jagged coastlines and inlets, the Polsby-Popper scores will naturally be lower than in other similarly situated states.

18. The Inverse Schwartzberg score takes the perimeter of the district and compares it to the perimeter (circumference) of a circle that has the same area as the district. By taking the

¹ One Republican member of the Senate was absent (excused) at the time of the vote.

² Three Democratic members of the House of Delegates were absent (excused) at the time of the vote. One Democratic member of the House of Delegates cast no vote.

inverse (dividing the number “1” by this score), the scores are, like the above scores, scaled from 0 to 1, with 1 representing a perfectly compact district.

19. The final measure of compactness introduced by Petitioners is the Convex Hull score. It is similar to the Reock score except that it uses the minimum bounding *polygon* instead of the minimum bounding *circle*. By allowing for shapes other than a circle to be the benchmark, the Convex Hull score recognizes that compactness can come in many forms other than a perfect circle. Like the other scores, a 1 is the most compact district and a zero is a theoretical non-compact district.

The Challenged Districts

District 12

20. District 12 is not compact. Its shape defies description. It stretches from southcentral Howard County in the west and, through several twists and turns, ends in Glen Burnie and Marley Heights in Anne Arundel County in the east.

21. The eye test is matched by poor scores on the Reock (.138), Polsby-Popper (.110), Inverse Schwartzberg (.332), and Convex Hull (.433) metrics.

22. When compared to other state legislative districts enacted over the past two redistricting cycles from around the country, it is clear that District 12 is not compact:

a. District 12’s Reock score of 0.138 is a lower score than 98.2% of other legislative districts enacted around the country from 2002-2020.

b. District 12’s Polsby-Popper score of 0.110 is lower than 95.8% of other legislative districts enacted around the country from 2002-2020.

c. District 12’s Schwartzberg Score of 0.332 is lower than 95.8% of the legislative districts enacted around the country from 2002-2020.

d. District 12’s Convex Hull score of 0.434 is lower than 98.2% of the legislative districts enacted around the country from 2002-2020.

e. Of the 13,473 districts that have been drawn around the country over the past two decades, 13,378 have scored better than District 12 on at least one metric. In other words, almost every district drawn over the past 20 years has at least some aspect of compactness that exceeds the qualities of that district.

23. District 12 also is divided between Howard County and Anne Arundel County. Due to the way District 12 was drawn, residents of Anne Arundel County will be represented by a Senator from Howard County. The Senator from Howard County will have a say in matters affecting only Anne Arundel County.

24. As Respondent acknowledges in its Motion to Dismiss, District 12 was drawn to maintain the incumbency of its current Senator.

District 21

25. District 21 is not compact. It is shaped like a boomerang that includes the College Park area in the southwest, Laurel and Maryland City in the north, and a divided Crofton in the southeast.

26. It scores poorly on the Reock (.288), Polsby-Popper (.125), Inverse Schwartzberg (.354), and Convex Hull (.504) metrics.

27. When compared to other state legislative districts enacted over the past two redistricting cycles from around the country, it is clear that District 21 is not compact:

a. In the past two redistricting cycles, 94.1% of the legislative districts enacted around the country have higher Polsby-Popper scores than District 21.

b. In the past two redistricting cycles, 94.2% of the legislative districts enacted around the country have higher Inverse Schwartzberg scores than District 21.

c. In the past two redistricting cycles, 96% of the legislative districts enacted around the country have higher Convex Hull scores than District 21.

d. Only 2.41% of all legislative districts enacted around the country perform worse on all metrics than does District 21.

28. District 21 also is divided between Prince George's County and Anne Arundel County.

29. Due to the way District 21 was drawn, residents of Anne Arundel County will be represented by a Senator and three Delegates from Prince George's County. This Senator and these Delegates from Prince George's County will have a say in matters affecting only Anne Arundel County.

District 33

30. District 33 is not compact. It is yet another legislative district with a shape that defies easy explanation

31. It performs poorly on the Reock (.341), Polsby-Popper (.140), Inverse Schwartzberg (.374), and Convex Hull (.568) metrics.

32. When compared to other state legislative districts enacted over the past two redistricting cycles from around the country, it is clear that District 33 is not compact:

a. In the past two redistricting cycles, 93.3% of the legislative districts enacted around the country have higher Polsby-Popper scores than District 33.

b. In the past two redistricting cycles, 92% of the legislative districts enacted around the country have higher Inverse Schwartzberg scores than District 33.

c. In the past two redistricting cycles, 91.2% of the legislative districts enacted around the country have higher Convex Hull scores than District 33.

d. Only 4.71% of all legislative districts enacted around the country perform worse on all metrics than does District 33.

33. Political considerations played a critical role in the creation of District 33, and these considerations were placed above the requirements of Article III, § 4:

a. Delegate Rachel Munoz, a Republican member of the House of Delegates, who formerly represented District 33, was drawn out of District 33 and now resides in a bizarrely shaped section of District 31 that sits on the very edge of its border with District 33.

b. District 33 has been constructed to make more likely the election of two Democratic candidates to the House of Delegates from individual House Districts (33A and 33C) when District 33 formerly elected only one Democratic candidate as a multi-member district.

c. District 33 has been constructed to make more likely the election of a Democratic Senator from the District. Through the redrawing of District 33, Democratic registered voter numbers in District 33 have increased from approximately 38.06% to 40.88%, while Republican voter registration numbers have decreased from approximately 38.08% to 34.71%.

District 27

34. District 27 crosses the borders of and includes within its geographic footprint three counties: Calvert, Charles, and Prince George's. It even cuts off a small part of southern Calvert County, putting that part of the county into a different legislative district than the rest. Calvert County is a peninsula county that has nearly enough residents for an entire Senate District.

35. District 27 does not consist of adjoining territory and crosses an important natural boundary. Specifically, it crosses the Patuxent River to combine Calvert, Charles, and Prince George's Counties. Indeed, House District 27B is divided between Prince George's and Calvert Counties by a stretch of the Patuxent River that has no bridge crossings. In other words, for a resident of House District 27B in Calvert County to visit a resident of House District 27B in Prince George's County, the Calvert County resident would have to drive about 35-40 minutes to find a

bridge crossing in another House (or Senate) District. There also is no bridge across the Patuxent River connecting House District 27C with the western half of Senate District 27.

Districts 22, 23, 24, and 47

36. Districts 22, 23, 24, and 47 are not compact. They also are all located within Prince George's County, making their lack of compactness particularly problematic.

37. The Reock, Polsby-Popper, Inverse Schwartzberg, and Convex Hull scores for District 22, 23, 24, and 47 are as follows:

District	Reock	Polsby-Popper	Inverse Schwartzberg	Convex Hull
22	.448	.115	.340	.639
23	.236	.132	.363	.549
24	.222	.083	.289	.571
47	.268	.127	.356	.473

38. When compared to other state legislative districts enacted over the past two redistricting cycles from around the country, it is clear that District 22 is not compact:

a. In the past two redistricting cycles, 95.3% of the legislative districts enacted around the country have higher Polsby-Popper scores than District 22.

b. In the past two redistricting cycles, 95.3% of the legislative districts enacted around the country have higher Inverse Schwartzberg scores than District 22.

c. Only 4.12% of all legislative districts enacted around the country perform worse on all metrics than does District 22.

39. When compared to other state legislative districts enacted over the past two redistricting cycles from around the country, it is clear that District 23 is not compact:

a. In the past two redistricting cycles, 93.3% of the legislative districts enacted around the country have higher Polsby-Popper scores than District 23.

b. In the past two redistricting cycles, 93.3% of the legislative districts enacted around the country have higher Inverse Schwartzberg scores than District 23.

c. In the past two redistricting cycles, 92.8% of the legislative districts enacted around the country have higher Convex Hull scores than District 23.

d. Only 2.82% of all legislative districts enacted around the country perform worse on all metrics than does District 23.

40. When compared to other state legislative districts enacted over the past two redistricting cycles from around the country, it is clear that District 24 is not compact:

a. In the past two redistricting cycles, 90.5% of the legislative districts enacted around the country have higher Reock scores than District 24.

b. In the past two redistricting cycles, 98% of the legislative districts enacted around the country have higher Polsby-Popper scores than District 24.

c. In the past two redistricting cycles, 97.9% of the legislative districts enacted around the country have higher Inverse Schwartzberg scores than District 24.

d. In the past two redistricting cycles, 90.1% of the legislative districts enacted around the country have higher Convex Hull scores than District 24.

e. Only 1.08% of all legislative districts enacted around the country perform worse on all metrics than does District 24.

41. When compared to other state legislative districts enacted over the past two redistricting cycles from around the country, it is clear that District 47 is not compact:

a. In the past two redistricting cycles, 94% of the legislative districts enacted around the country have higher Polsby-Popper scores than District 47.

b. In the past two redistricting cycles, 94% of the legislative districts enacted around the country have higher Inverse Schwartzberg scores than District 47.

c. In the past two redistricting cycles, 97.2% of the legislative districts enacted around the country have higher Convex Hull scores than District 47.

d. Only 1.95% of all legislative districts enacted around the country perform worse on all metrics than does District 47.³

II. GOVERNING LEGAL STANDARDS FOR PETITIONERS' CLAIMS

A. Claims Under Article III, § 4 of the Maryland Constitution

1. The Legal Standards for Petitioners' Claims Under Article III, § 4

Article III, § 4 of Maryland's Constitution provides: "Each legislative district shall consist of adjoining territory, be compact in form, and of substantially equal population. Due regard shall be given to natural boundaries and the boundaries of political subdivisions." These requirements are mandatory. *In re Legislative Districting of the State*, 370 Md. 312, 356 (2002). They may not "be subordinated to justifications not mandated by the Federal or State Constitutions." *In re 2012 Legislative Districting of the State*, 436 Md. 121, 135 (2013).

The requirements of § 4 are mandatory because they protect important interests. "[T]he contiguity and compactness requirements, and particularly the latter, are intended to prevent political gerrymandering." *In re Legislative Districting of State*, 299 Md. 658, 675 (1982). "The contiguity requirement mandates that there be no division between one part of a district's territory and the rest of the district; in other words, contiguous territory is territory touching, adjoining and

³ Petitioners also have asserted challenges to Districts 7, 9, 25, 31. These challenges are based, at least in part, upon claims of partisan gerrymandering. While Petitioners believe substantial evidence supporting these challenges exists, Respondent has invoked legislative privilege to deny Petitioners access to that evidence. As a result, the evidence in support of these challenges is necessarily limited and may in certain cases be insufficient. *See also infra* n.4.

connected, as distinguished from territory separated by other territory.” *Id.* at 675-76. Compactness requires “a close union of territory (conducive to constituent-representative communication).” *Id.* at 688.

The “due regard” requirement is “integrally related to the compactness and contiguity requirements” and is intended “to preserve those fixed and known features which enable voters to maintain an orientation to their own territorial areas.” *Id.* at 681. The “due regard” requirement also recognizes the critical role that Maryland’s counties play in the governance of the State. *In re Legislative Districting of the State*, 370 Md. at 357-60. In sum, the “due regard provision works to preserve local political interests, insofar as it ensures geographically concurrent political representation, and acts as a deterrent to the gerrymandering of legislative districts.” *In re 2012 Legislative Districting of the State*, 436 Md. at 152.

Once a petitioner presents “compelling evidence” in support of a challenge under Article III, § 4, “the State has the burden of producing sufficient evidence to show that the districts are contiguous and compact, and that due regard was given to natural and political subdivision boundaries.” *In re 2012 Legislative Districting of the State*, 436 Md. at 137-38.

Based on the above proposed findings of fact, it is clear that Districts 12, 21, 22, 23, 24, 27, 33, and 47 fail the requirements of contiguity, compactness, due regard for political subdivisions, and/or due regard for natural boundaries.

2. The Voting Rights Act

Throughout its motion to dismiss, Respondent asserts that certain districts in the Plan are “voting rights districts.” Presumably, Respondent intends to argue that certain challenged districts are drawn as they are to satisfy Section 2 of the Voting Rights Act (“VRA”), 52 U.S.C. § 10301(a), and thus need not comply with the requirements of Article III, § 4. That would require Respondent to show, as a starting point, the VRA’s basic threshold condition: the existence of a large,

geographically compact, and politically cohesive racial group. *See Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986). Indeed, states that ignore traditional redistricting criteria—like those set forth in Article III, § 4—to purposefully draw majority-minority districts “must have a strong basis in evidence for finding that the threshold conditions” for VRA liability are present. *Bush v. Vera*, 517 U.S. 952, 978 (1996).

Respondent appears to apply the label “voting rights district” to any legislative district with a significant minority voting age population or a minority incumbent. As an initial matter, traditional redistricting criteria should not be subordinated to race substantially more than is reasonably necessary for Voting Rights Act compliance. *Id.* at 979. Thus, the VRA “does not require a State to create, on predominantly racial lines, a district that is not ‘reasonably compact.’” *Abrams v. Johnson*, 521 U.S. 74, 91-92 (1997).

Nor is there a VRA requirement to draw districts to preserve minority incumbents. To be sure, the election of minority public officials is a factor in determining whether minority voters, because of a governmental practice or structure, “do not have an equal opportunity to participate in the political processes and to elect candidates of their choice.” *Gingles*, 478 U.S. at 44. But it does not follow that the VRA requires a legislative district to be drawn in a way that ensures the election of a minority incumbent.

If a district does not fulfill a VRA mandate, the district should comply with Maryland’s Constitution. A district with a majority-minority voting population or a minority incumbent is not *per se* a “voting rights district” that is excepted from requirements of Article III, § 4.

B. Additional Constitutional Violations

1. The Legal Standards Governing Petitioners' Claims Under Article 7 of the Declaration of Rights⁴

Article 7 of Maryland's Declaration of Rights provides: "That the right of the People to participate in the Legislature is the best security of liberty and the foundation of all free Government; for this purpose, elections ought to be free and frequent; and every citizen having the qualifications prescribed by the Constitution, ought to have the right of suffrage." This provision is intended to guarantee the "fair and free exercise of the electoral franchise," *State Bd. of Elections v. Snyder*, 435 Md. 30, 61 (2013), and is "even more protective of rights of political participation than the provisions of the federal Constitution," *Md. Green Party v. Md. Bd. of Elections*, 377 Md. 127, 150 (2003).

In the redistricting context, the Court may find that a law offends the "fair and free exercise of the electoral franchise," if it violates the traditional redistricting criteria set forth in Article III, § 4 of the Maryland Constitution.⁵ See *League of Women Voters v. Commonwealth*, 178 A.3d 737, 814-18 (Pa. 2018) (adopting similar factors as the proper measure of a partisan gerrymandering claim under Pennsylvania's "free and equal" elections clause). When these neutral criteria are

⁴ Petitioners' claims under Articles 7, 24, and 40 of the Declaration of Rights and Article I, § 7 of the Maryland Constitution are based on claims of the subordination of traditional redistricting criteria to partisan political considerations and/or the intentional dilution of Republican voting strength in certain of the challenged districts. Petitioners believe that substantial evidence exists that partisan political considerations played a leading role in the construction of many of the challenged districts and that Republican voting strength was intentionally diluted on a partisan basis. Due to Respondent's invocation of legislative privilege, however, Petitioners do not have access to certain necessary evidence that would establish these claims.

⁵ Adjoining territory, compactness, equal population, and due regard for political subdivisions and natural boundaries are traditional redistricting criteria. *Shaw v. Reno*, 509 U.S. 630, 647 (1993); *Reynolds v. Sims*, 377 U.S. 533, 578-79 (1964). This Court has recognized that "[e]qual apportionment, contiguity and compactness have been referred to as the trinity of equitable representation." *In re Legislative Districting of State*, 299 Md. at 676 n.9.

subordinated to partisan politics in the creation of congressional districts, Article 7 has been violated. *See id.* at 817; *see also In re Legislative Districting of the State*, 370 Md. at 370.

Second, a law offends the “fair and free exercise of the electoral franchise” whenever it infringes upon, diminishes, or dilutes citizens’ votes on a partisan basis. *See Md. Green Party*, 377 Md. at 152 (“[I]nsofar as a minor political party’s only option to nominate a candidate is through the process of submitting nomination petitions, a scheme which improperly invalidates a registered voter’s signature on a nominating petition unconstitutionally infringes on the right of suffrage guaranteed to all qualified voters by Article 1 of the Maryland Constitution and Article 7 of the Maryland Declaration of Rights.”); *see also Snyder*, 435 Md. at 61 (“The elective franchise is the highest right of the citizen, and the spirit of our institutions requires that every opportunity should be afforded for its fair and free exercise. However ambiguously or obscurely statutes or constitutions may be phrased, it would not be just to give them a construction in hostility to the principles on which free governments are founded.”). If a law infringes upon, diminishes, or dilutes citizens’ votes on a partisan basis, strict scrutiny should be applied and the State should be required to demonstrate that the law at issue was narrowly tailored to achieve a compelling governmental interest. *See, e.g., Harper v. Hall*, 2022 N.C. LEXIS 166, ¶ 161 (N.C. Feb. 14, 2022).

2. The Legal Standards Governing Petitioners’ Claims Under Article I, § 7 of the Maryland Constitution

Article I, § 7 of the Maryland Constitution provides: “The General Assembly shall pass Laws necessary for the preservation of the purity of Elections.” This provision requires the General Assembly to pass laws concerning elections that are fair and evenhanded. *See Socialist Workers Party v. Sec’y of State*, 317 N.W.2d 1, 11 (Mich. 1982) (explaining that Michigan’s “purity of elections” clause “unmistakably requires ... fairness and evenhandedness in the election

laws of this state”).⁶ It is violated whenever a law is passed that “affords an unfair advantage to one party or its candidates over a rival party or its candidates.” *See id.*

3. The Legal Standards Governing Petitioners’ Claims Under Article 24 of the Declaration of Rights

Article 24 of the Maryland Declaration of Rights guarantees “[t]hat no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or, in any manner, destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the land.” This Court has held that Article 24 includes by implication the concept of equal protection. *Md. Green Party*, 377 Md. at 157.

“Special scrutiny” should be applied to any law that “deprives, infringes upon, or interferes with personal rights or interests deemed to be fundamental.” *Id.* at 161. The right to vote is fundamental; indeed, it “is one of, if not, the most important and fundamental rights granted to Maryland citizens as members of a free society. *Snyder*, 435 Md. at 61 (cleaned up); *see also Reynolds v. Sims*, 377 U.S. 533, 555 (1964) (“The right to vote freely for the candidate of one’s choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen’s vote just as effectively as by wholly prohibiting the free exercise of the franchise.”); *Williams v. Rhodes*, 393 U.S. 23, 30 (1968) (explaining that “the right of qualified voters, regardless of their political persuasion, to cast their votes effectively . . . rank[s] among our most precious freedoms”).

Thus, laws that substantially infringe upon or interfere with the right to vote are subject to “special scrutiny.” *Md. Green Party*, 377 Md. at 161. In order to pass constitutional muster such

⁶ There is very limited case law interpreting and applying Article I, § 7; thus, Petitioners rely on another state’s interpretation of a similar constitutional provision.

laws must either be: (1) reasonably necessary to the accomplishment of legitimate government objections; or (2) necessary to promote a compelling government interest. *Id.* at 163. Partisan politics is neither a legitimate nor compelling government interest. *See, e.g., Harper v. Hall*, 2022 N.C. LEXIS 166, ¶ 161.

4. The Legal Standards Governing Petitioners' Claims Under Article 40 of the Declaration of Rights

Article 40 of the Maryland Declaration of Rights guarantees “that every citizen of the State ought to be allowed to speak, write and publish his sentiments on all subjects.” No form of speech is entitled to greater constitutional protection than political speech. *State v. Brookins*, 380 Md. 345, 355 (2004). When a law burdens core political speech, the Court should apply “exacting scrutiny,” and uphold the law “only if it is narrowly tailored to serve an overriding state interest.” *Id.*

The State, moreover, may not retaliate against citizens on the basis of their political views. *See Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995) (“When the government targets not subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant.”); *Bd. of Educ. v. Pico*, 457 U.S. 853, 870-71 (1982) (“If a Democratic school board, motivated by party affiliation, ordered the removal of all books written by or in favor of Republicans, few would doubt that the order violated the constitutional rights of the students denied access to those books.”); *see also Newell v. Runnels*, 407 Md. 578, 608-09 (2009) (recognizing that governments generally may not fire or demote an employee based on the employee’s exercise of his or her freedom of speech). Thus, “[w]hen the General Assembly systematically diminishes or dilutes the power of votes on the basis of party affiliation, it intentionally engages in a form of viewpoint discrimination and retaliation that triggers strict scrutiny.” *Harper*, 2022 N.C. LEXIS 166, ¶ 157.

III. OPPOSITION TO RESPONDENT'S MOTION TO DISMISS

A. Article III, § 5 Does Not Authorize the Granting of a Motion to Dismiss

As an initial matter, Respondent's motion to dismiss is not authorized under Article III, § 5, which provides: "Upon petition of any registered voter, the Court of Appeals shall have original jurisdiction to review the legislative districting of the State and may grant appropriate relief, if it finds that the districting of the State is not consistent with requirements of either the Constitution of the United States of America, or the Constitution of Maryland." Nothing in Article III, § 5 authorizes the granting of a motion to dismiss prior to a review of a petition on its merits.

B. The Motion to Dismiss Standard in Civil Cases

Even if such a motion is authorized, Respondent has failed to demonstrate that such a motion should be granted under the traditional standard governing such motions in civil cases. When considering a motion to dismiss under Maryland Rule 2-322(b)(2), the Court must "assume the truth of all well-pleaded facts and allegations in the complaint, as well as all inferences that can reasonably be drawn from them." *Pittway Corp. v. Collins*, 409 Md. 218, 239 (2009). The Court, moreover, "must view all well-pleaded facts and the inferences from those facts in a light most favorable to the plaintiff." *Id.* Dismissal "is proper only if the allegations and permissible inferences, if true, would not afford relief to the plaintiff." *Id.* In other words, a trial court may grant a motion to dismiss only if the complaint fails "on its face, [to] disclose[] a legally sufficient cause of action." *Fioretti v. Md. State Bd. of Dental Exam'rs*, 351 Md. 66, 72 (1998). As explained below, Petitioners have clearly stated claims in their Petition under this standard.

C. Respondent's Motion to Dismiss Petitioner's Claim Under Article III, § 4

Respondent's motion to dismiss Petitioners' claims under Article III, § 4 is based on two faulty arguments. First, Respondent claims that Petitioners have not demonstrated that the

challenged districts fail the compactness requirement of Article III, § 4. (Mot. to Dismiss at 14-16.) This argument fails for at least three reasons:

- As an initial matter, the Petition clearly alleges that the challenged districts are not compact—both as a matter of common sense and under well-established metrics that measure the compactness of election districts. (Pet. ¶¶ 25-26, 31, 34-35, 38-40, 49-50, 55-56, 61, 65-66.)
- As set forth in the above proposed findings of fact, moreover, Petitioners have additional evidence, including comparisons with enacted state legislative districts from other states over the last two redistricting cycles, that clearly establishes the non-compactness of the challenged districts.
- Finally, Respondent claims that the lowest Reock and Polsby-Popper scores from the MCRC plan are lower than those for the districts Petitioners have challenged. Petitioners, of course, are not challenging the MCRC plan.⁷ Moreover, the district to which Respondent's point—District 1—suffers from a problem of geography. It cannot be compact as a result of the peculiar geography of Maryland's western panhandle. The districts Petitioners are challenging do not have geographical limitations that prevent them from being compact.

Respondent also seems to suggest that there is no way to objectively measure compactness. (Mot. to Dismiss at 14.) But the compactness requirement is part of the Constitution, and this Court has held that it is mandatory. *In re Legislative Districting of the State*, 370 Md. at 356.

⁷ Nor are Petitioners asking for enactment of the MCRC plan unless the General Assembly is unable or unwilling to enact a new State legislative districting plan if this Court so orders. (Pet. Request for Relief, at 19.)

Respondent's argument, therefore, is really a dispute with the language of the Constitution. Neither Respondent nor this Court, however, can ignore a constitutional requirement.

Respondent next claims that Petitioners have failed to state a claim under the "due regard for political subdivisions" component of Article III, § 4 because towns and localities are not political subdivisions. (Mot. to Dismiss at 17.) This argument misconstrues Petitioners' claims. Petitioners' challenges under the "due regard for political subdivision" component of Article III, § 4 are based on the unnecessary crossing of county lines that occurs in many of the challenged districts.⁸ (See Pet. ¶¶ 28, 32, 44, 52, 58, 62.)

The remainder of Respondent's motion to dismiss Petitioners' Article III, § 4 claim is based on arguments and alleged facts that go far outside the Petition. Because these arguments are based on purported facts not alleged in the Petition they are not properly resolved through a motion to dismiss. See, e.g., *Converge Servs. Group, LLC v. Curran*, 383 Md. 462, 475 (2004) (explaining that "the universe of facts pertinent to the court's analysis of [a motion to dismiss] are limited generally to the four corners of the complaint and its incorporated supporting exhibits, if any").

D. Respondent's Motion to Dismiss Petitioner's Claims Under Articles 7, 24, and 40 of the Declaration of Rights and Article I, § 7 of the Maryland Constitution

1. Article III, § 4 Is Not the Only Applicable Constitutional Provision In this Case

Respondent argues that Article III, § 4 is the only provision of the Maryland Constitution addressing gerrymandering and therefore claims challenging Maryland's legislative districts cannot be brought under other provisions of Maryland's Constitution or Declaration of Rights. (Mot. to Dismiss at 29.) Respondent's argument fails for at least two reasons.

⁸ To be sure, the Petition contains references to divided towns and localities. Those allegations, however, are not the basis for Petitioners' claim that the challenged districts violate the "due regard for political subdivision" component of Article III, § 4.

First, drawing legislative districts in a way that favors one political party over another violates rights guaranteed by several provisions of Maryland's Constitution and Declaration of Rights. As explained below, partisan gerrymandering violates citizens' rights to free elections, equal protection, and free speech as guaranteed by Articles 7, 24, and 40 of the Declaration of Rights, and the requirement in Article I, § 7 of the Constitution that the General Assembly enact laws for the purity of Maryland's elections. These constitutional provisions are different than Article III, § 4 and by their terms protect basic civil rights that Article III, § 4 does not. Thus, Article III, § 4 does not limit the protections against partisan gerrymandering afforded under Articles 7, 24, and 40 of the Declaration of Rights or Article I, § 7.

This Court has implicitly recognized as much in prior cases considering challenges to state redistricting plans. Despite the numerous constitutional challenges to claimed partisan gerrymandering raised in these prior cases, never has this Court found that such challenges could only be asserted under Article III, § 4. Instead, the Court has addressed and ultimately rejected these claims on their merits, not because Article III, § 4 was the only provision under which such a claim could be brought. *See In re 2012 Legislative Redistricting of the State*, 436 Md. at 159-88 (rejecting federal and state equal protection challenges to a "political discrimination" claim on the merits); *Legislative Redistricting Cases*, 331 Md. 574, 610-11 (1993) (rejecting on the merits an equal protection challenge to state redistricting plan based on claim of political gerrymandering); *In re Legislative Districting of State*, 299 Md. at 685 (rejecting on the merits an "invidious discrimination" claim under the federal constitution based on political gerrymandering). These cases make clear that the Court has not construed Article III, § 4 as the sole constitutional provision applicable to claims of partisan gerrymandering in redistricting.

Respondent cites only one case, *Lamone v. Capozzi*, 396 Md. 53 (2006), in support of its claim that "[a]n interpretation of the Maryland Constitution that would allow 'partisan

gerrymandering' challenges to proceed under *other* constitutional provisions would upset the balance embodied by Article III, § 4." (Mot. to Dismiss at 34-35.) In *Capozzi*, however, the Court rejected an argument in support of an early voting statute based on Article 7 of the Declaration of Rights because specific provisions of the Constitution prohibited early voting. 396 Md. at 75-76. In other words, *Capozzi* rejected a statute that conflicted directly with the Maryland Constitution; it did not hold that constitutional claims could not be made because an issue was addressed elsewhere in the Maryland constitution.

2. Article 7 of the Declaration of Rights

Petitioners have alleged a claim under Article 7 of the Declaration of Rights. As courts from other states applying similar provisions in their state constitutions recently have found, partisan gerrymandering violates the rights guaranteed by "free elections" clauses like Article 7. *See Harper*, 2022 N.C. LEXIS 166, ¶¶ 133-141; *League of Women Voters*, 178 A.3d at 821. More specifically, a "free elections" clause like Article 7 bars the General Assembly from creating legislative districts that ensure the election of candidates from one political party and/or diluting the votes of citizens on the basis of political affiliation and viewpoint. *See Harper*, 2022 N.C. LEXIS 166, ¶ 141; *League of Women Voters*, 178 A.3d at 814. Simply put, Article 7 prohibits the State from creating legislative districts in a way that ensures the continued control of one political party because such elections, by definition, are not free or fair and interfere with citizens' right of suffrage. *See League of Women Voters*, 178 A.3d at 821 ("An election corrupted by extensive, sophisticated gerrymandering and partisan dilution of votes is not 'free and equal.' In such circumstances ... the General Assembly, has in fact 'interfere[d] to prevent the free exercise of the right of suffrage.'").

Petitioners clearly allege that the Plan eliminates certain citizens' effective power to select the delegates of their choice, creates Maryland legislative districts that ensure the election of

candidates from the Democratic Party, and dilutes the votes of citizens based on political affiliation and viewpoint. (See, e.g., Pet. ¶¶ 16-17, 29, 33, 37, 42, 47, 53, 59, 63, 71-74.) The Petition therefore alleges a violation of Article 7.

3. Article I, § 7 of the Maryland Constitution

As explained above, Article I, § 7 requires the General Assembly to pass laws concerning elections that are fair and evenhanded. See *Socialist Workers Party*, 317 N.W.2d at 11. The provision is violated when an election law “affords an unfair advantage to one party or its candidates over a rival party or its candidates.” See *id.*

The Petition alleges that the 2021 Plan is not fair or evenhanded. Through intentional partisan manipulation, it divides Republican voters into legislative districts across Maryland in a way that unlawfully favors Democratic candidates in many of the challenged districts. (See, e.g., Pet. ¶¶ 16-17, 29, 33, 37, 42, 47, 53, 59, 63, 75-78.) Thus, the Petition alleges that the Plan intentionally dilutes the voting power of many Republicans and renders their votes nearly meaningless in legislative elections in the above districts. (*Id.* ¶¶ 75-78.)

Respondent claims that Article I, § 7 does not prohibit partisan gerrymandering because it “is a mandate to the General Assembly to act to protect election administration,” and “not a limitation on the General Assembly’s authority when it engages in such activities.” (Mot. to Dismiss at 40.) This argument, however, presents a curious and potentially dangerous interpretation of Article I, § 7: according to Respondent, it requires the General Assembly to pass laws to prevent election corruption, but does not prevent the General Assembly from enacting laws that corrupt Maryland’s elections.

Respondent’s argument overlooks a simple truth: a constitutional mandate to perform a certain duty carries with it a corresponding prohibition on acting inconsistent with that duty. See *Nader for President 2004 v. Md. State Bd. of Elections*, 399 Md. 681, 696-97 (2007) (citing

authority explaining that “[t]he constitutional authority to implement a constitutional provision . . . does not authorize the General Assembly by statute . . . to contradict or amend the Constitution” and “the constitutional authority to implement a constitutional provision, by rules, does not authorize a rule which is inconsistent with that provision”). Thus, a constitutional obligation to enact laws that prevent election corruption, like Article I, § 7, also prohibits the enactment of laws that corrupt elections. *See, e.g., Wells v. Kent County Bd. of Election Comm’rs*, 168 N.W.2d 222, 227 (Mich. 1969) (“[T]he constitutional mandate to the legislature to enact laws to preserve the purity of elections has been interpreted by this Court to carry with it the corollary that any law enacted by the legislature which adversely affects the purity of elections is constitutionally infirm.”).

The legislative history upon which Respondent relies also supports an interpretation of Article I, § 7 that makes it broadly applicable to laws that corrupt elections, like the 2021 Plan. As Respondent notes, the original version of this constitutional provision, found in the 1851 Constitution, did not reference the “purity of elections”—it specifically authorized the General Assembly to disenfranchise individuals convicted of certain crimes. (*See Mot. to Dismiss at 41-42.*) The 1864 Constitution added the phrase “purity of elections,” but it linked the phrase to voter registration and to disenfranchising certain categories of people. (*See id.*) The 1867 Constitution adopted the “purity of elections” language we have today by removing all references to voter registration and disenfranchisement. (*See id. at 42-43.*) And as Respondent recognizes, the provision now operates to ensure “that those who are entitled to vote are able to do so, free of corruption and fraud.” (*Id. at 43.*) Respondent claims this legislative history means that Article I, § 7 has always been linked to the mechanics of voting. (*See id. at 44-45.*) But the distinct changes over time of the “purity of elections” provision mean something. And the changes it underwent repeatedly expanded its meaning from a provision disenfranchising certain voters to

one that now requires the General Assembly to ensure that elections are free from corruption. The history of Article I, § 7 thus counsels against Respondent's claim that it applies only to the "mechanics" of elections and supports Petitioners' broader reading of the provision.

4. Articles 24 and 40 of the Declaration of Rights

Finally, Respondent argues that Petitioners have failed to state claims for violations of Articles 24 and 40 of the Declaration of Rights, which protect Marylanders' rights to equal protection and freedom of speech. Respondent's argument rests on the United States Supreme Court's decision in *Rucho v. Common Cause*, 139 S. Ct. 2484 (2019), which held that equal protection and freedom of speech challenges to partisan gerrymandering were not justiciable in the federal courts. *Id.* at 2506-07. For several reasons, *Rucho* should not guide the Court's application of Articles 24 and 40 of Maryland's Declaration of Rights.

First, Maryland courts, not the Supreme Court, determine the meaning and scope of Article 24 and Article 40. It is true that this Court has stated Article 24 and Article 40 are coextensive with or *in pari materia* with the Fourteenth and First Amendments. (Mot. to Dismiss at 46.) This Court, however, also has stated:

Many provisions of the Maryland Constitution, such as Article 24 of the Declaration of Rights and Article III, § 40, of the Maryland Constitution, do have counterparts in the United States Constitution. We have often commented that such state constitutional provisions are *in pari materia* with their federal counterparts or are the equivalent of federal constitutional provisions or *generally* should be interpreted in the same manner as federal provisions. Nevertheless, we have also emphasized that, simply because a Maryland constitutional provision is *in pari materia* with a federal one or has a federal counterpart, does *not* mean that the provision will *always* be interpreted or applied in the same manner as its federal counterpart. Furthermore, cases interpreting and applying a federal constitutional provision are only persuasive authority with respect to the similar Maryland provision.

Dua v. Comcast Cable of Md., Inc., 370 Md. 604, 621 (2002). In fact, the Court has “consistently recognized that the federal Equal Protection Clause and Article 24 guarantee of equal protection of the laws are complementary but independent, and ‘a discriminatory classification may be an unconstitutional breach of the equal protection doctrine under the authority of Article 24 alone.’” *Md. Green Party*, 377 Md. at 158. Thus, when necessary, the Court has “ensured that the rights provided by Maryland law are fully protected by departing from the United States Supreme Court’s analysis of the parallel federal right.” *Doe v. Dep’t of Pub. Safety & Corr. Servs.*, 430 Md. 535, 550 (2013) (collecting cases).

This Court, therefore, is not bound to follow the Supreme Court’s conclusion regarding the justiciability of equal protection and free speech challenges to partisan gerrymandering in federal courts. It can—and should—find that Maryland’s guarantees of equal protection and freedom of speech prohibit the practice. This is particularly so in light of the important issues at stake in this case—including the equal power to elect the candidate of one’s choice—and the broad protections afforded by Articles 24 and 40. Indeed, just last month, the Supreme Court of North Carolina found—despite the holding of *Rucho*—that extreme partisan gerrymandering in that state’s legislative districts violated the equal protection and free speech clauses of North Carolina’s constitution (among other constitutional provisions). *Harper*, 2022 N.C. LEXIS 166, ¶¶ 142-157.⁹

Second, the Supreme Court in *Rucho* made clear that its decision did “not condone excessive partisan gerrymandering” or “condemn complaints about districting to echo into a void.”

⁹ Respondent cites *Legislative Redistricting Cases*, 331 Md. at 610-11, and *In re 2012 Legislative Districting of the State*, 436 Md. at 182, for the general proposition that this Court has followed Supreme Court guidance regarding the justiciability of political gerrymandering claims. (Mot. to Dismiss at 46.) Both those cases, however, either explicitly or implicitly recognized that political gerrymandering claims are justiciable. *Legislative Redistricting Cases*, 331 Md. at 610-11; *In re 2012 Legislative Districting of the State*, 436 Md. at 182.

139 S. Ct. at 2507. Rather, the Court highlighted the important role that state courts have in protecting against extreme partisan gerrymandering. *Id.* As the Court stated, “[p]rovisions in state statutes and state constitutions can provide standards and guidance for state courts to apply.” *Id.*¹⁰ Thus, the Supreme Court both recognized the independent duty state courts have to interpret their own constitutions and invited state courts to apply state constitutional provisions to prevent extreme partisan gerrymandering. *See id.* The Court should accept that invitation and find that the guarantees of equal protection and freedom of speech in Maryland’s Declaration of Rights extend beyond those the Supreme Court in *Rucho* assigned to the Fourteenth and First Amendment.

Third, the primary concern of the Court in *Rucho*, upon which Respondent heavily relies here, was that workable tests could not be created to govern equal protection and freedom of speech claims in cases involving extreme partisan gerrymanders. *See* 139 S. Ct. at 2502. But ten federal judges in the *Rucho* litigation (including two judges of the United States District Court for the District of Maryland, two judges from the United States District Court for the Middle District of North Carolina, two judges from the United States Court of Appeals for the Fourth Circuit, and four justices of the United States Supreme Court) were satisfied that workable tests do exist. *See Rucho*, 139 S. Ct. at 2516-19 (Kagan, J., dissenting); *Benisek v. Lamone*, 348 F. Supp. 3d 493, 515, 517-20, 523-24 (D. Md. 2018), *vacated by Rucho*, 139 S. Ct. 2484 (2019); *Common Cause v. Rucho*, 318 F. Supp. 3d 777, 861-68 (M.D.N.C. 2018), *vacated by Rucho*, 139 S. Ct. 2484 (2019). The wisdom and reasoning of these judges and justices should not be lost on this Court simply because a bare majority of the Supreme Court felt otherwise, especially because this Court is not

¹⁰ Although the Court was referencing specific provisions in state constitutions concerning political gerrymandering, 139 S. Ct. at 2507, the principle expressed applies more broadly.

bound by *Rucho*. See *Brown v. Allen*, 344 U.S. 443, 540 (1953) (Jackson, J., concurring) (“We are not final because we are infallible, but we are infallible only because we are final.”).¹¹

The tests used by the lower courts in *Rucho* and endorsed by the four dissenting justices, as well as those standards set forth above are “utterly ordinary” and are “the sort of thing courts work with every day.” See *Rucho*, 139 S. Ct. at 2517 (Kagan, J., dissenting). They are certainly tests that this Court can discern, manage, and apply consistently to the facts of individual cases. Indeed, this Court has, on at least one occasion, applied a test to an equal protection partisan gerrymandering claim in a challenge to state legislative districting. *Legislative Redistricting Cases*, 331 Md. at 610-11. Contrary to Respondent’s claims, therefore, tests exist that courts can apply to political gerrymandering claims in connection with Maryland’s legislative districts.

Respectfully submitted,

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¹¹ It also seems likely that *Rucho*’s “decision of whether unmanageability warrants judicial abdication involved practical considerations that lie beyond the constitutional meaning of Article III.” *The Supreme Court 2018 Term: Leading Case: Rucho v. Common Cause*, 133 Harv. L. Rev. 252, 259 (Nov. 2019). In other words, the Supreme Court likely based its decision on concerns about whether federal courts should hear gerrymandering cases, not whether they can. See *id.* at 261.

CERTIFICATE OF SERVICE

I certify that on March 22, 2022, the foregoing Petitioners' Proposed Findings of Fact, Proposed Governing Legal Standards, and Opposition to Respondent's Motion to Dismiss was filed and served via the Court's MDEC system. A copy of the foregoing also was sent to the parties in Misc. Nos. 24, 26, and 27 by electronic mail.

/s/ Strider L. Dickson

Strider L. Dickson