

**IN THE MATTER OF
2022 LEGISLATIVE
DISTRICTING OF THE STATE**

*** IN THE
* COURT OF APPEALS
* OF MARYLAND
* MISC. NO. 21
* SEPTEMBER TERM, 2021**

O R D E R

Pursuant to the provisions of Article III, § 5 of the Constitution of Maryland, the Governor presented the Maryland Citizens’ Legislative Districting Plan of 2022 to the President of the Senate and Speaker of the House of Delegates, who introduced the plan as Senate Joint Resolution No. 3 and House Joint Resolution No. 1, respectively, on the first day of the 2022 legislative session of the Maryland General Assembly.

Pursuant to the provisions of Article III, § 5 of the Constitution of Maryland, the President of the Senate and Speaker of the House of Delegates, by request of the Legislative Redistricting Advisory Commission, introduced the Legislative Districting Plan of 2022 as Senate Joint Resolution No. 2 and House Joint Resolution No. 2, respectively, on the first day of the 2022 legislative session of the Maryland General Assembly.

The General Assembly enacted Senate Joint Resolution 2 into law, which became effective on Thursday, January 27, 2022.

The Court of Appeals of Maryland, pursuant to the provisions of Article III, § 5 of the Constitution, is vested with original jurisdiction to review the legislative districting plan upon petition of any registered voter, and to “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.”

Article III, § 4 of the Constitution of Maryland states:

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.

The Attorney General of Maryland has, by motion filed on Friday, January 28, 2022, requested that the Court promulgate procedures to govern all actions brought under Article III, § 5 of the Constitution of Maryland, challenging the validity of the 2022 legislative districting plan.

Given the nature of this matter, and limitations and constraints attendant thereto, time is of the essence in determining the validity of the 2022 legislative districting plan.

The Court has concluded that an initial Order governing the orderly conduct of proceedings challenging the 2022 legislative districting plan is in the public interest and that due notice should be given to the public of such proceedings, requiring all persons who seek to challenge the plan to file petitions in accordance with a strict schedule for the filings of pleadings, evidence, and memoranda, and for a public hearing before a Special Magistrate.

Now, therefore, it is this 28th day of January, 2022, ORDERED, by the Court of Appeals of Maryland, that

(1) 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. If the registered voter is a Maryland Electronic Courts (“MDEC”) registered user pursuant to Maryland Rule 20-104, or is represented by counsel who is a MDEC registered user pursuant to Maryland Rule 20-104, the registered voter is required to file electronically. If the registered voter is not an MDEC registered user, or is represented by counsel who is not a registered user, the registered voter may hand-deliver or mail the original petition and one copy to the Clerk of this Court. The petition shall set forth: the petitioner’s objection to the plan; 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).

(2) The State’s response to said petition(s) and alternative plan(s) must be electronically filed on or before Tuesday, February 15, 2022 at 4:30 p.m.

(3) The Honorable Alan M. Wilner, Retired Judge of this Court, is hereby appointed to serve as the Court’s Special Magistrate.

(4) The Special Magistrate will conduct a scheduling conference on Thursday, February 17, 2022 at 10:00 a.m. The hearing will be conducted virtually.

(5) By further order(s) of the Court to be issued, upon advice of the Special Magistrate, who may confer with the parties and counsel, the Court shall

establish deadlines and procedures for discovery; preliminary and dispositive motions; briefs filed as *amicus curiae*; the location, date, and time of evidentiary or other hearing(s); the filing of the Special Magistrate's written Report of findings of fact and conclusions of law; the filing with the Court of written exceptions to the Special Magistrate's Report; the time, date, and location of the Court's hearings on any exceptions to the Special Magistrate's Report; and other appropriate procedures.

(6) By further order(s) of the Court to be issued, upon advice of the Special Magistrate, who may confer with the parties and counsel, deadlines and other dates relevant to the Election Calendar will be adjusted.

(7) The Clerk of the Court of Appeals shall give public notice of this Order on the website of the Maryland Judiciary (mdcourts.gov), and as otherwise directed by the Court.

/s/ Joseph M. Getty
Joseph M. Getty
Chief Judge
Court of Appeals of Maryland

Filed: January 28, 2022

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

Pursuant to Maryland Uniform Electronic Legal
Materials Act
(§§ 10-1601 et seq. of the State Government Article) this document is authentic.



Suzanne C. Johnson, Clerk