

IN THE SUPREME COURT OF MARYLAND

September Term, 2026

Case No. 22

MARYLAND STATE BOARD OF ELECTIONS, *et al.*,
Defendants-Appellants,

vs.

LINDSAY WHEATLEY, *et al.*,
Plaintiffs-Appellees.

APPEAL FROM THE CIRCUIT COURT FOR DORCHESTER COUNTY
TRIAL COURT CASE NO. C-09-CV-26-000285
(James S. Sarbanes, Judge)

BRIEF OF PLAINTIFFS-APPELLEES

MCALLISTER, DETAR, SHOWALTER &
WALKER LLC

Strider L. Dickson, AIS No. 0212170219
Victoria L. Brohawn, AIS No. 2412031042
706 Giddings Avenue, Suite 305
Annapolis, Maryland 21401
Tel.: 410-934-3900 / Fax.: 410-934-3933
sdickson@mdswlaw.com

(Additional counsel on next page)

BAKER & HOSTETLER LLP

Allen J. Dickerson (*)

1050 Connecticut Ave., N.W., Ste. 1100

Washington, D.C. 20036

Tel.: 202.861.1500

adickerson@bakerlaw.com

Erika Dackin Prouty (*)

Anna E. Croyts (*)

200 Civic Center Drive, Suite 1200

Columbus, OH 43215

Tel.: 614.228.1541

eprouty@bakerlaw.com

acroyts@bakerlaw.com

Patrick T. Lewis (*)

127 Public Square, Suite 2000

Cleveland, OH 44114

216.621.0200

plewis@bakerlaw.com

* Specially Admitted Under

Maryland Rule 19-217

Counsel for Plaintiffs-Appellees

TABLE OF CONTENTS

Table Of Authorities	iii
Statement Of The Case	1
Questions Presented	4
Factual Background.....	4
Summary Of Argument	10
Argument.....	13
I. Standard Of Review	13
II. The Circuit Court Properly Found that the Ballot Language Violates the Maryland Constitution and Declaration of Rights .	14
A. The Ballot Language Is Deceptive, Manipulative, and Misleading	14
B. Defendants Fail in Their Efforts to Show that the Ballot Language Is Accurate	21
C. Defendants Fail in Their Legal Defenses of the Ballot Question	25
III. HB2100 Violates Multiple Provisions of EL §§ 7-103 and 7- 105	32
A. The Circuit Court Correctly Identified Numerous Statutory Violations.....	32
B. The Election Law Article Applies Here	34
C. The General Assembly’s Attempt to Exclude HB2100 from the Requirements of EL §§ 7-103 and 7-105 Violates the Anti-Retroactivity Principle	44
IV. The Court Properly Granted Summary Judgment on Plaintiffs’ Claim that HB2100 Violates the Single-Subject Requirement of the Maryland Constitution	46

A.	The Single-Subject Requirement Is Intended to Prevent Logrolling and Misleading Constitutional Amendments ..	47
B.	HB2100 Logrolls Multiple Changes to Maryland’s Constitution in Ways that Mislead Voters	49
C.	The General Assembly Is Not Entitled to Circumvent the Single-Subject Requirement by Using a Vague, Broadly Defined “Subject” of Its Amendment	53
Conclusion		55
Certification of Word Count and Compliance With Rule 8-112		57

TABLE OF AUTHORITIES

Cases

<i>Andrews v. Governor of Md.</i> , 294 Md. 285 (1982)	<i>passim</i>
<i>Anne Arundel Cnty. v. McDonough</i> , 277 Md. 271 (1976)	<i>passim</i>
<i>Ariz. State Legislature v. Ariz. Indep. Redistricting Comm’n</i> , 576 U.S. 787 (2015)	5, 17–18
<i>Baker v. Carr</i> , 369 U.S. 186 (1962)	27
<i>Baum v. Newbry</i> , 267 P.2d 220 (Or. 1954)	49
<i>Bienkowski v. Brooks</i> , 386 Md. 516 (2005)	26
<i>Chiafalo v. Washington</i> , 591 U.S. 578 (2020)	15
<i>City of Frostburg v. Jenkins</i> , 215 Md. 9 (1957)	26
<i>Dashiell v. Meeks</i> , 396 Md. 149 (2006)	13
<i>Dutton v. Tawes</i> , 225 Md. 484 (1961)	34
<i>Fugina v. Donovan</i> , 104 N.W.2d 911 (Minn. 1960)	49
<i>Hillman v. Stockett</i> , 183 Md. 641 (1944)	53, 54
<i>Howell v. Maryland State Board of Elections</i> , No. C-02-CV-26-001986	3

<i>In re Initiative Petition No. 314</i> , 625 P.2d 595 (Okla. 1980)	49–50, 54
<i>Kelly v. Vote Know Coalition of Md., Inc.</i> , 331 Md. 164 (1993)	22
<i>Kerby v. Luhrs</i> , 36 P.2d 549 (Ariz. 1934)	50–52, 54
<i>Lamone v. Capozzi</i> , 396 Md. 53 (2006)	26
<i>Langston v. Riffe</i> , 359 Md. 396 (2000)	44
<i>League of Women Voters of Pa. v. DeGraffenreid</i> , 265 A.3d 207 (Pa. 2021).....	51, 55
<i>Louisiana v. Callais</i> , 146 S. Ct. 1131 (2026)	6
<i>Matter of 2022 Legislative Districting of State</i> , 481 Md. 507 (2022)	17
<i>Md. Classified Emps. Ass’n, Inc. v. State</i> , 346 Md. 1 (1997)	28
<i>Md. State Bd. of Elections v. Ambridge</i> , 489 Md. 404 (2025)	30, 31
<i>Moore v. Harper</i> , 600 U.S. 1 (2023)	4, 5
<i>Morris v. Governor of Md.</i> , 263 Md. 20 (1971)	37
<i>Mundell v. Swedlund</i> , 71 P.2d 434 (Idaho 1937).....	52
<i>Muskin v. State Dep’t of Assessments & Taxation</i> , 422 Md. 544 (2011)	44

<i>Nader for President 2004 v. Md. State Bd. of Elections</i> , 399 Md. 681 (2007)	26
<i>Rucho v. Common Cause</i> , 588 U.S. 684 (2019)	29
<i>Stop Slots MD 2008 v. State Bd. of Elections</i> , 424 Md. 163 (2012)	<i>passim</i>
<i>Surratt v. Prince George’s Cnty.</i> , 320 Md. 439 (1990)	<i>passim</i>
<i>Szeliga v. Lamone</i> , No. C-02-CV-21-001816, 2022 WL 2132194 (Md. Cir. Ct. Mar. 25, 2022)	5–7, 19
<i>Ulman v. Mayor of Baltimore</i> , 72 Md. 587 (1890)	27
<i>Warfield v. Vandiver</i> , 101 Md. 78 (1905)	37, 43
<i>Webb v. Giant of Md., LLC</i> , 477 Md. 121 (2021)	13
<i>Wesberry v. Sanders</i> , 376 U.S. 1 (1964)	26
Statutes	
EL § 7-101	12, 35, 38
EL § 7-103	<i>passim</i>
EL § 7-105	<i>passim</i>
EL § 12-202	2, 34
Legislative Authorities	
2012 Md. Laws, 2nd Spec. Sess., ch. 1, § 6	38
SB29, 2026 Md. Laws, ch. 439	36, 37

<i>Video of House Floor Actions (8/3/2026)</i> , MD. GEN. ASSEMBLY, https://mgaleg.maryland.gov/mgaweb/FloorActions/Media/house-71-A?year=2026RS (last visited Aug. 8, 2026)	9, 46
--	-------

Other Authorities

<i>Certain</i> , MERRIAM-WEBSTER.COM DICTIONARY, merriam-webster.com/dictionary/certain (last visited Aug. 31, 2026)	16
---	----

<i>Certain</i> , MERRIAM-WEBSTER.COM THESAURUS, https://www.merriam-webster.com/thesaurus/certain	16
---	----

<i>Nothing</i> , MERRIAM-WEBSTER.COM DICTIONARY, https://www.merriam-webster.com/dictionary/nothing	16
--	----

Rules

MD. RULE 2-501	13
----------------------	----

Constitutional Provisions

MD. CONST. art. I, § 7	46
------------------------------	----

MD. CONST. art. III, § 4	6
--------------------------------	---

MD. CONST. art. XIV, § 1	47, 48
--------------------------------	--------

MD. CONST. decl. of rights art. 7	27
---	----

MD. CONST. decl. of rights art. 24	26
--	----

U.S. CONST. art. I, § 4, cl. 1	4
--------------------------------------	---

U.S. CONST. art. VI, § 2	10
--------------------------------	----

STATEMENT OF THE CASE

This case presents, not a challenge to the General Assembly's authority to propose amendments to the Maryland Constitution, (*contra* Appellants' Br. ("Br.") 1), but the General Assembly's right to obtain amendments through deception and manipulation. The proposed amendment at issue is controversial. It asks Marylanders to sign away all their rights under the Maryland Constitution and Declaration of Rights with respect to how their congressional districts are configured. Rather than attempt to persuade the public of the merit in this weighty request, the General Assembly in HB2100 crafted misleading ballot language ("Question 3") that fails to apprise voters of the true effect of the proposed amendment. It does not disclose that all State constitutional provisions—and those of the Declaration of Rights—will be negated as to Maryland's congressional districts. It instead states that "certain" criteria will apply to state legislative districts. The net impression is that some protections of the Maryland Constitution will continue to apply when, in fact, none will. Making matters worse, the General Assembly in proposing this constitutional amendment, and adopting this misleading language, failed to follow important constitutional and statutory requirements—including requirements that *this* General Assembly enacted *this year*.

Two circuit courts have seen this misleading language and flawed process for what it is and found that HB2100 violates Maryland’s Constitution and Declaration of Rights, as well as numerous provisions of the Election Law Article.

Plaintiffs are five registered Maryland voters, four of whom are also members of the Maryland General Assembly. (E. 126.) They commenced this action in the Dorchester County Circuit Court on August 10, 2026, five days after the General Assembly enacted the proposed amendment package in HB2100. (E. 1.) In their Complaint and Petition for Review, Plaintiffs invoked Md. Code Ann., Election Law (“EL”) § 12-202 and alleged three causes of action—Count I, that HB2100 violated the rights of Marylanders secured by multiple provisions of the Maryland Constitution and Declaration of Rights; Count II, that HB2100 violated Sections 7-103 and 7-105 of the Election Law Article; and Count III, that HB2100 violated the single-subject requirement of Article XIV, § 1, of the Maryland Constitution. (See E. 18–36.) Plaintiffs sought injunctive and declaratory relief against placement of the proposed amendment on the ballot. (E. 35–36.) Plaintiffs also sought a TRO and preliminary injunction. (E. 114.)

On August 28, 2026, the circuit court entered summary judgment in favor of Plaintiffs and enjoined Defendants from including Question 3 on the 2026 ballot. (E. 523.) The circuit court first held that HB2100 violates

Marylanders’ constitutional rights because the ballot question “fail[ed] to provide adequate notice to voters as required by the Maryland Constitution and the Declaration of Rights.” (E. 517.) Specifically, the court found Question 3 is “misleading and does not provide voters with adequate information or an explanation for an informed vote.” (*Id.*) Next, the circuit court found the deadlines of EL §§ 7-103 and 7-105 were violated in the belated amendment process that also bypassed a 15-day notice-and-comment period for the ballot question in § 7-103(c)(5). (E. 518–20.) Finally, the circuit court held that HB2100 violated the single-subject requirement of Article XIV, § 1 of the Maryland Constitution by improperly combining three distinct changes—that “serve distinct, disjointed purposes”—into a single amendment. (E. 521.) The circuit court stayed its order pending appeal to this Court. (E. 523.) Defendants filed their notice of appeal on August 28, 2026. (E. 524.)¹

A companion case, *Howell v. Maryland State Board of Elections*, No. C-02-CV-26-001986, was brought in a similar timeline to this case. On August 26, 2026, the Circuit Court for Anne Arundel County entered an Order granting the *Howell* plaintiffs’ motion for summary judgment and enjoining the State Board of Elections from including HB2100’s ballot question on the

¹ Defendants include the Maryland State Board of Elections (“SBE”), individual members of the SBE, and five county boards of elections. In this brief, all defendants are collectively referred to as the “State” or “Defendants.”

November 3, 2026, election ballot. (E. 497.) The State appealed on August 27, 2026.

QUESTIONS PRESENTED

1. Does ballot language that fails to disclose that a proposed amendment removes all Maryland constitutional standards and protections from congressional redistricting—and that affirmatively suggests otherwise—violate the due process and free election guarantees of Articles 7 and 24 of the Declaration of Rights, and Article XIV, Section 1 and Article I, Section 7 of the Constitution?

2. Do Sections 7-103 and 7-105 of the Maryland Election Law Article apply to a proposed constitutional amendment that the General Assembly attempts to rush before voters on the eve of an election?

3. Does the single-subject requirement of Article XIV, Section 1 of the Maryland Constitution permit the General Assembly to merge questions concerning redistricting criteria, court venue, and the abrogation of all State constitutional protections into one proposed amendment?

FACTUAL BACKGROUND

1. The U.S. Constitution authorizes state legislatures to establish “[t]he Times, Places and Manner of holding” congressional elections. U.S. CONST. art. I, § 4, cl. 1. When they exercise this authority, state legislatures “remain bound by state constitutional restraints.” *Moore v.*

Harper, 600 U.S. 1, 32 (2023). Accordingly, nothing in the U.S. Constitution “instructs . . . that a state legislature may” regulate congressional elections “in defiance of provisions of the State’s constitution.” *Ariz. State Legislature v. Ariz. Indep. Redistricting Comm’n*, 576 U.S. 787, 817–18 (2015). For the same reason, the U.S. Constitution does “not insulate state legislatures from the ordinary exercise of state judicial review.” *Moore*, 600 U.S. at 22.

In *Szeliga v. Lamone*, No. C-02-CV-21-001816, 2022 WL 2132194 (Md. Cir. Ct. Mar. 25, 2022) (Battaglia, S.J.), the Circuit Court for Anne Arundel County exercised the State’s prerogative of judicial review and found that the congressional plan the General Assembly adopted in 2021 violated Articles 7, 24, and 40 of the Maryland Declaration of Rights by discriminating on the basis of political speech and association. *Id.* at **43–46. Article 7 guarantees free elections; Article 24 guarantees due process and equal protection, and Article 40 guarantees free speech. *Id.* at **11–21. While none of these provisions specifically establish criteria that govern redistricting, the court held that their cross-cutting principles—applicable to all state action— forbid “an extreme gerrymander that subordinates constitutional criteria to political considerations.” *Id.* at *43.

In its analysis, the court also drew from the districting criteria of Article III, § 4, of the Maryland Constitution, including dictates that “[e]ach legislative district shall consist of adjoining territory, be compact in form, and of

substantially equal population,” and that “[d]ue regard shall be given to natural boundaries and the boundaries of political subdivisions.” *Id.* at *1 (quoting MD. CONST. art. III, § 4). These requirements are common and are known as traditional districting criteria. *See Louisiana v. Callais*, 146 S. Ct. 1131, 1146 (2026).

Analyzing this provision’s text against a historical backdrop, the court held that “‘legislative districts’ includes Congressional districts.” *Szeliga*, 2022 WL 2132194, at *11. Separately, the court explained that Article III, § 4 is “also applicable on an alternate basis, to evaluate the constitutionality of the 2021 Plan” through the lens of the Free Elections Clause and other applicable provisions of the Maryland Declaration of Rights. *Id.* The 2021 plan violated these provisions because a discriminatory purpose “predominated” over compactness and other traditional districting principles. *Id.* at **44–46. The 2021 plan failed multiple Maryland constitutional constraints because it was “an outlier and a product of extreme partisan gerrymandering.” *Id.* at 45.

Although the State appealed that ruling, it dismissed the appeal after the current congressional plan was adopted.

2. The General Assembly was content with the *Szeliga* ruling, and the new congressional plan it configured in its wake, until July 7, 2026. On that date, the Governor and General Assembly announced a special session to begin August 3. (E. 153.) On July 17, the Governor issued a proclamation to

that effect. (E. 154, 158–159.) The session’s stated purpose was a constitutional amendment to provide “that the provisions which govern the requirements of our State legislative districts do not apply to Maryland’s congressional districts.” (E. 158 (capitalization omitted).) The proclamation did not mention the Maryland Declaration of Rights.

The General Assembly convened as planned in a special session beginning August 3, 2026. After suspending rules governing hearings and readings, (E. 154, 203), it passed HB2100 in just three days. HB2100 is drafted to overrule *Szeliga*. It begins by targeting *Szeliga*’s interpretation of the term “legislative district” with the following text (with amendment text capitalized):

Each legislative district FOR THE ELECTION OF A MEMBER OF THE SENATE AND MEMBERS OF THE HOUSE OF DELEGATES 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.

(E. 50.) But, because of *Szeliga*’s separate holdings based on Articles 7, 24, and 40 of the Maryland Declaration of Rights, the General Assembly could not stop there. Accordingly, it also provided entirely new text:

NOTHING IN THIS ARTICLE OR ELSEWHERE IN THIS CONSTITUTION, INCLUDING THE DECLARATION OF RIGHTS, PROVIDES APPLICABLE CRITERIA FOR THE BOUNDARIES OF A CONGRESSIONAL DISTRICTING PLAN.

(E. 50.) This language ensured that, setting aside all the redistricting-specific constitutional standards the amendment would eliminate, it would also negate

the application of cross-cutting free-election, due-process, equal-protection, and free-speech guarantees.

For good measure, the General Assembly shifted subjects and—sandwiched between the above-quoted provisions—added a new provision:

THE GENERAL ASSEMBLY SHALL HAVE THE POWER TO GRANT ORIGINAL JURISDICTION TO THE SUPREME COURT OF MARYLAND TO REVIEW THE CONGRESSIONAL DISTRICTING PLAN OF THE STATE.

(E. 50.)

3. HB2100 passed on August 5, less than three months before the 2026 election. The General Assembly specified that the amendment “shall be submitted to the qualified voters of the State at the next general election to be held in November 2026 for adoption or rejection in accordance with Article XIV of the Maryland Constitution.” (E. 50.)

The bill also included the following ballot language to be presented to voters:

Question ____ – Constitutional Amendment

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

(E. 51; *see also* E. 55.) Missing from this description is any reference to “NOTHING” in the Maryland Constitution “INCLUDING THE

DECLARATION OF RIGHTS” being “APPLICABLE” to “A CONGRESSIONAL DISTRICTING PLAN.” (*Compare* E. 50.) And the ballot language added an entirely new concept: that “[t]he proposed Constitutional Amendment . . . requires the criteria for boundaries of congressional districts to be determined by applicable federal laws.” (E. 51; E. 55.) The amendment’s text does not say anything like that.²

The as-introduced version of HB2100 provided that “a question substantially similar” to that quoted text “shall be submitted” to voters. (E. 43.) But that language was stricken by a House amendment and replaced with the following: “[n]otwithstanding any other provision of law, at that general election, the following question shall be submitted to the qualified voters of the State.” (E. 47.) This confirmed that the above-quoted language—but not the amendment itself—would be presented to voters on their ballots. The purpose was to avoid statutory requirements of EL §§ 7-103 and 7-105, including requirements that this General Assembly enacted this year in Senate Bill 29. *Video of House Floor Actions (8/3/2026)*, MD. GEN. ASSEMBLY, at 42:05–42:30, <https://mgaleg.maryland.gov/mgaweb/FloorActions/Media/house-71-A?year=2026RS> (last visited Aug. 8, 2026). On the House floor, Delegate Kris

² While the legislative preamble states that redistricting “remains subject to the U.S. Constitution [and] federal law,” (E. 49), that simply describes the effect of federal law *regardless* of the amendment, not what the amendment *requires*—much less what voters are asked to decide.

Fair acknowledged that it was too late for the process required by the Election Law Article to be followed, and that the “[n]otwithstanding” language was aimed at having the amendment “simply go straight to the ballot.” *Id.* at 42:40–42:44. (*See also* E. 154.)

It is undisputed that the timing deadlines of EL §§ 7-103 and 7-105 were not satisfied. These laws set July 1 deadlines for submission of required information to the State Board of Elections, EL § 7-103(c)(1), and required the State Board to “make the information submitted . . . available to the public for a 15-day comment period.” EL § 7-103(c)(5)(i). The ballot statement must be submitted to the State Board by “the first Monday in August,” i.e., August 3. EL § 7-105(b)(2)(iii). None of those deadlines were adhered to.

Finally, the statute set an August 5 deadline for the State Board and local boards to post the “complete text of” proposed amendments to their websites. EL § 7-105(e)(1)(ii). But the State Board did not post the complete text of the proposed amendments in HB2100 until 1:30 p.m. on August 7, 2026—after the deadline. (E. 445.) Plaintiffs are aware of no evidence that the Defendant county boards reproduced the complete text of HB2100 on their websites by the August 5 deadline.

SUMMARY OF ARGUMENT

The circuit court correctly held that the General Assembly violated the Maryland Constitution and applicable Maryland statutes in its rushed and

misleading effort to convince voters to sign away their constitutional rights. This Court should affirm.

First, the General Assembly violated the due-process and free-election guarantees of the Declaration of Rights and Article XIV, § 1 through fundamentally misleading ballot language. The proposed amendment provides that “NOTHING” in “THE DECLARATION OF RIGHTS” or “ELSEWHERE IN THIS CONSTITUTION” limits the General Assembly’s power to configure congressional district lines. But where the amendment says “NOTHING” in the Constitution will govern congressional redistricting, the ballot language just says “certain standards” would apply only to General Assembly districts. Where the amendment clarifies that “A CONGRESSIONAL DISTRICTING PLAN” is a state-law-free subject, the ballot language affirmatively says, “the Maryland Constitution” *will* apply to “districts used to elect members of the General Assembly.” And the ballot question changes the subject to claim the amendment “requires” that “federal laws” will provide “criteria for boundaries of congressional districts,” when, in fact, the amendment does not say that. The ballot question conceals this effect and conveys the net impression of a highly technical change to redistricting with which voters should not be concerned, not a sweeping abrogation of all manners of foundational freedoms. The circuit court correctly held that the General Assembly violated the Maryland Constitution and Declaration of Rights in adopting this deceptive text.

Second, the General Assembly violated multiple provisions of EL §§ 7-103 and 7-105. Its misleading language also offends the requirement of a properly written description implemented in these statutes. And the General Assembly independently violated multiple deadlines—including a July 1 certification deadline and an August 3 summary deadline—as well as a notice-and-comment requirement governing ballot language. The State does not argue that any of these strictures was satisfied. Instead, it asserts that these laws do not apply—ignoring, in the first place, their explicit application to “an amendment pursuant to Article XIV of the Maryland Constitution,” EL § 7-101(1)(ii), and “all” statewide ballot measures, EL § 7-103(c)(1). Its contention that statutory law cannot limit the General Assembly’s own action incorrectly rests on a proposition that one legislature may not bind another. But *this* General Assembly enacted provisions of EL §§ 7-103 and 7-105—it *did not repeal them*. Instead, it took actions incompatible with those statutes in a ballot-measure process. And it did so *retroactively*, flouting deadlines that had already passed.

Third, the General Assembly violated the Maryland Constitution’s single-subject requirement by joining three different amendments into one. This makes it impossible for voters to express differing views on each. A voter might desire original jurisdiction over redistricting matters in this Court without desiring that districting-specific rules apply only to General Assembly

districts. And a voter might desire the latter without wishing to negate *all* constitutional provisions—including those of the Declaration of Rights. These are separate topics that should be separately presented. The State’s suggestion that the General Assembly may define the scope of subjects for purposes of this test would, if accepted, end the single-subject requirement. If the subject here can be “the drawing of election districts,” (Br. 45), then virtually any set of subjects can be combined at a sufficiently high level of granularity. For this reason, too, the Court should affirm.

ARGUMENT

I. Standard Of Review

The circuit court’s order in this case granted Plaintiffs’ motion for summary judgment and denied Defendants’ motion for summary judgment. Summary judgment is appropriately granted “if the motion and response show that there is no genuine dispute as to any material fact and that the party in whose favor judgment is entered is entitled to judgment as a matter of law.” *Webb v. Giant of Md., LLC*, 477 Md. 121, 135 (2021) (quoting MD. RULE 2-501(f)). This Court reviews an order granting summary judgment de novo. *Id.* This Court also reviews an order denying a motion for summary judgment for abuse of discretion. *Id.* at 135–36 (quoting *Dashiell v. Meeks*, 396 Md. 149, 165 (2006)). Therefore, the grant of Plaintiffs’ motion for summary judgment

should be reviewed de novo, and the denial of Defendants’ motion should be reviewed for abuse of discretion.

II. The Circuit Court Properly Found that the Ballot Language Violates the Maryland Constitution and Declaration of Rights

A. The Ballot Language Is Deceptive, Manipulative, and Misleading

HB2100’s ballot question violates the Maryland Constitution and Declaration of Rights with language that misleads voters about the proposed amendment. “[T]he well-settled principles of Due Process of Law . . . require[] that adequate notice of the referendum be provided to the electorate prior to the election.” *Stop Slots MD 2008 v. State Bd. of Elections*, 424 Md. 163, 192 (2012) (“*Stop Slots*”). This “reasonable notice” requirement establishes an irreducible constitutional minimum to help ensure voters are “reasonably well-informed.” *Anne Arundel Cnty. v. McDonough*, 277 Md. 271, 282 (1976) (citation omitted). At minimum, a ballot question must “not be misleading” or “calculated to lead the public to believe that the proposed legislation is substantially different from that which would actually become law” *Surratt v. Prince George’s Cnty.*, 320 Md. 439, 448–49 (1990) (quoting *McDonough*, 277 Md. at 295–96).

In implementing “the well-settled principles of Due Process of Law, which underlie any notice inquiry,” *Stop Slots*, 424 Md. at 192, the General Assembly has required that “any question” submitted to amend the Maryland

Constitution be accompanied by “a brief statement, prepared in clear and concise language, devoid of technical and legal terms to the extent practicable, summarizing the question.” EL § 7-105(b)(1). The General Assembly has further directed that the notice use terms “a voter can easily understand.” EL § 7-103(b)(4)(i). Whether or not these statutes reflect a constitutional mandate, *see infra* § II.C, they express the General Assembly’s own understanding of the information voters are due, *cf. Chiafalo v. Washington*, 591 U.S. 578, 592 (2020) (“‘Long settled and established practice’ may have ‘great weight in a proper interpretation of constitutional provisions.’”). Through these statutes, the General Assembly admits that voters presented with an amendment should receive true and accurate information drafted to be correctly understood. A ballot statement must not be designed to mislead, manipulate, or deceive. *Surratt*, 320 Md. at 448–49; *McDonough*, 277 Md. at 282.

But HB2100’s ballot question does just that. As the circuit court explained, while HB2100’s proposed amendment would “remove all Maryland Constitutional standards and protections from congressional districting plans,” the ballot language not only avoids disclosing this result, it attempts to draw readers’ attention elsewhere. (E. 517.) It does this by replacing words with their antonyms and shifting subjects in ways that mislead any reader who does not otherwise understand what the proposed amendment in fact does.

The proposed amendment’s central term is “NOTHING.” That is: “NOTHING . . . IN THIS CONSTITUTION . . . PROVIDES APPLICABLE CRITERIA FOR . . . A CONGRESSIONAL DISTRICTING PLAN.” (E. 50.) But the ballot question gerrymanders around that term—it never says “nothing.” It replaces that word with “certain,” referring to “*certain* standards in the Maryland Constitution” (E. 51; *see also* E. 55 (emphasis added).) In context, the terms “nothing” and “certain” convey opposite meanings. They are antonyms. “Nothing,” of course, means “not any thing : no thing.” *Nothing*, MERRIAM-WEBSTER.COM DICTIONARY, <https://www.merriam-webster.com/dictionary/nothing> (last visited Aug. 31, 2026). “Certain,” by contrast, means “fixed, settled,” as in “a *certain* percentage of the profit.” *Certain*, MERRIAM-WEBSTER.COM DICTIONARY, [merriam-webster.com/dictionary/certain](https://www.merriam-webster.com/dictionary/certain) (last visited Aug. 31, 2026). A synonym of “certain” is “one,” or—as used here—*some*. *Certain*, MERRIAM-WEBSTER.COM THESAURUS, <https://www.merriam-webster.com/thesaurus/certain> (last visited Aug. 31, 2026). In summary, where the amendment promises *no thing*, the ballot promises *some* things. (See E. 516.)

The shift in terms “*was* misleading” and “*was* calculated” to be. *Surratt*, 320 Md. at 449 (emphasis in original). Where the amendment’s text proposes that congressional districts be exempted from all rights and duties provided in the Maryland Constitution, the phrase “certain standards in the Maryland Constitution” communicates that the amendment nixes only *some* State

constitutional dictates. The overriding implication is that *some* Maryland constitutional standards will remain. That is false. “Nothing” means *nothing*. “Certain” means *something*.

To be sure, HB2100’s text attempts to avoid an outright lie by shifting the focus: where the amendment proposes that “NOTHING” should apply to “A CONGRESSIONAL DISTRICTING PLAN,” the ballot question merely provides that “certain standards” should apply “only to” legislative plans. (E. 50–51, 55.) But this shift only deepens the deception by creating a diversion. In seeing the reference to “districts used to elect members of the General Assembly,” (E. 51, 55), the average voter will miss that the real work being done is exempting *congressional* districts from *all* Maryland constitutional constraints. After all, the Maryland Constitution was already clear in its plenary application to legislative districts. *Matter of 2022 Legislative Districting of State*, 481 Md. 507, 526–27 (2022).

The wordsmithing here, however, implies that legislative districts are the central subject of the amendment, even though it targets congressional districts. Even if the carefully placed adverb “only” provides a fig-leaf defense, this case proves the proverb that a half truth is even worse. No one reading this text without extrinsic knowledge would see in the term “only” that the General Assembly is asking for *carte blanche* to act free “of provisions of the State’s constitution” in congressional redistricting. *Ariz. Indep. Redistricting*

Comm’n, 576 U.S. at 818. But that is what the amendment’s text—in stark contrast to the ballot language—would achieve.

The ballot question continues the course of deception in its last sentence, which reframes a negative as a positive. As shown, the amendment works with the absolute negative—“NOTHING”—that sweeps across Maryland’s foundational charter—“IN THIS CONSTITUTION”—as applied to “A CONGRESSIONAL DISTRICTING PLAN.” (E. 50.) But the last sentence of the ballot language yet again flips everything around. It speaks in *positive* terms, holding the amendment out as “requir[ing] the criteria for boundaries of congressional districts” (E. 51, 55.) Here again, the ballot question works in antonyms: the amendment’s text does not require anything; it requires nothing. Yet the proposed amendment’s language that “NOTHING . . . PROVIDES APPLICABLE CRITERIA” is reframed in terms that the amendment affirmatively “requires . . . criteria” The text proclaims the precise opposite of what the proposed amendment actually does.

Yet again, HB2100 attempts to erect a defense against the charge of an outright lie by shifting the topic: the ballot question claims the amendment “requires the criteria . . . to be determined by applicable *federal* laws.” (E. 55.) But this shift nevertheless exposes a falsehood.

The proposed amendment does *not* require that congressional district criteria be established by federal law. (E. 50.) While it is true that federal law

applies to congressional districts, that is not of the amendment’s text (which is *silent on the subject*) but because under the Supremacy Clause, federal law applies regardless of what the amendment says. *See* U.S. CONST. art. VI, § 2. For present purposes, what matters is that it is plainly wrong for the ballot language to say, “[t]he proposed Constitutional Amendment . . . requires . . . federal laws.” (E. 51, 55.) It says nothing about that. To flip the terms and focus on federal requirements causes more deception: the amendment is *eliminating* state requirements, so the reframing to *federal* requirements is not designed to illuminate but to manipulate. Simply put, the question before Maryland voters is not whether federal law should apply to the State’s congressional districts. To frame that as the question patently misleads.³

The ballot language is further confusing in its assertion that it “clarifies” the “standards in the Maryland Constitution.” (E. 51, 55.) The amendment *changes* the Maryland Constitution. It is a mystery how one clarifies something by rewriting it. Moreover, the General Assembly asks the public not to “clarify” any standards, but to *overrule* a court decision, *see generally Szeliga*, 2022 WL 2132194, which held that a congressional redistricting plan violated Article III,

³ Vague references to federal law in HB2100’s preamble do not cure the problem because the ballot statement claims to represent what “[t]he proposed Constitutional Amendment . . . requires,” not what the preamble notes. (*See* E. 55.)

§ 4, and Articles 7, 24, and 40 of the Declaration of Rights. While it is true that *Szeliga* does not bind this Court, it does not follow that the word “clarifies” is somehow accurate. If the General Assembly wants the public to overrule the decision of a duly constituted court of this State, it should say so. Instead, the General Assembly chose to obfuscate.

Finally, the net impression of this combination of word-flipping, misdirection, and omission is entirely different from the reality of the proposed amendment. *See McDonough*, 277 Md. 298–99 (rejecting ballot language that disguised 41 zoning amendments in language referring to rezoning “certain parcels”). The ballot language suggests a highly technical amendment to adjust how “certain standards” apply to districts “used to elect members of the General Assembly,” redirect where some redistricting litigation will occur, and reassert the water-is-wet dictate that federal law is supreme over state law. But as Defendants must admit, the amendment would establish “that no other provisions of the Maryland Constitution or Declaration of Rights provided ‘applicable criteria’ for the review of a congressional districting challenge.” (Br. 8.) That concept does not remotely come through in the ballot question. It would not have been difficult for the General Assembly to ask voters for this directly—it could have simply stated that the proposed amendment removes all protections in the Maryland Constitution and Declaration of Rights from congressional districts. But it elected against that, perhaps in fear that the

initiative would fail. This, then, is the paradigmatic case where judicial intervention is necessary to protect the public from drastic alteration of the State's fundamental charter through deception.

B. Defendants Fail in Their Efforts to Show that the Ballot Language Is Accurate

With little hope of salvaging its badly deceptive ballot question, Defendants bury their defense in about two-and-a-half pages within a lengthy, academic discussion of legal principle. (*See* Br. 37–40.) The circuit court had little trouble seeing the problem: “The practical effect of HB 2100 . . . should not be this confusing for a voter” to apprehend. (E. 517.)

Defendants are incorrect to claim that a “reasonable voter” would discern that “state constitutional standards would not apply to congressional districts.” (Br. 37.) At the outset, the ease with which Defendants can express this concept stands in stark contrast to the misleading language the General Assembly intentionally chose instead.

In any event, Defendants fail to compare the ballot question's qualified language—“certain”—against the amendment's plenary language—“NOTHING.” And they defend the use of “certain” under the theory that the General Assembly need not “enumerate[] every constitutional provision at issue.” (Br. 38.) But the General Assembly rejected *every* constitutional provision by establishing that *none* would apply. The ballot question did not

need enumeration. It needed language exhibiting the plenary scope of the exemption so voters would understand how sweeping it is. The term “certain” not only fails at this task but overtly misleads.

It does not avail Defendants that the term “certain” can be accurate in other circumstances. *See Kelly v. Vote Know Coalition of Md., Inc.*, 331 Md. 164, 177 (1993). In *McDonough*, this Court rejected the term “certain” where it was used to bury the vast scope of proposed zoning amendments because the term “did not present a clear, unambiguous and understandable statement of the full and complete nature of the issues undertaken to be included in the proposition.” 277 Md. at 300. The same is true here. The point is not that the word “certain” is inherently misleading but that it does not describe what the General Assembly requests—*complete* freedom from State law in crafting congressional districts. Indeed, Defendants cannot help but perpetuate confusion in representing that “the ‘certain standards’ at issue are those dealing with district boundaries.” (Br. 38.) This is wrong. On its face, the amendment also references “THE DECLARATION OF RIGHTS,” (E. 50), which goes well beyond addressing districting boundaries. The State appears to agree that, at minimum, the term “certain” in the ballot language suggests only redistricting-specific “criteria,” not cross-cutting individual-rights guarantees that apply to *all* General Assembly action. That alone dooms the ballot question.

Defendants further perpetuate the ballot question’s errors by assuring the Court that it “accurately relates to readers that federal law . . . will govern federal district lines.” (Br. 38.) As explained, *see supra* § II.A, the amendment does *not* provide that federal law will govern congressional district lines. It says nothing about that. It provides that “NOTHING” in *Maryland* law “PROVIDES APPLICABLE CRITERIA” Due process requires that the ballot question “sufficiently apprise[] voters of the amendment’s purpose.” *Stop Slots*, 424 Md. at 193. Here, the purpose is *not* to decide whether federal standards will govern congressional districting (a matter Maryland voters could not decide in any event).

This refutes Defendants’ observation that it does not “mislead voters to suggest that federal law will govern congressional districts.” (Br. 38.) It *does* mislead voters to suggest they are asked to *decide* whether federal law should govern congressional districts. They are *not* being asked to decide that. To mention something voters are not asked to decide—even if it is true—is a form of deception. It would be equally misleading to describe a proposed amendment ending all taxpayer-funded police forces as instead approving Congressional funding of the military (even though it is true that Congress possesses that authority). Here, the purpose of the amendment is to decide whether *nothing* in State law will govern, not whether *federal* law will govern. Defendants have

no answer to the plain fact that the ballot question as crafted conceals—rather than discloses—its basic purpose.

Defendants also trip over themselves in defense of the term “clarifies,” which they deem justified because “*Szeliga* is not the law of the land and does not require a constitutional change in law.” (Br. 39.) The fact remains that the General Assembly *is* using a constitutional change in law to overrule a court decision. The fact that Defendants could have used the alternative means of attempting to persuade this Court of *Szeliga*’s error is no defense to the language the General Assembly used to describe what it elected to do: overrule a precedent by nixing the application of all State constitutional provisions to congressional maps. Yet again, the proof is in a comparison of text: the proposed amendment does not use the term “clarify” but “APPLICABLE”—as in “NOTHING . . . PROVIDES APPLICABLE CRITERIA” If “clarifies” is such a good word, why didn’t the General Assembly use it when crafting its legally operative text?

Finally, Defendants ignore the net impression of this maze of words and omissions. Whatever the merit of their arguments about words like “certain,” “clarifies,” and “applicable federal laws,” Defendants cannot overcome the fact that, together, these words suggest a highly technical and largely ministerial adjustment of arcane redistricting standards. The words avoid—indeed, conceal—the controversial and sweeping purpose the General Assembly would

achieve, to render itself free of all Maryland constitutional restrictions in its important task of congressional redistricting. Two circuit courts have seen that the text conceals this fact, and this Court should have little trouble agreeing.

C. Defendants Fail in Their Legal Defenses of the Ballot Question

Faced with the difficult task of persuading the Court that the General Assembly is free to mislead voters with impunity, Defendants offer several legal defenses of the ballot language. None of them work.

1. The Due Process Clause Applies to Ballot Questions

Although Defendants’ briefing is less than clear, it suggests at times that the Maryland Constitution is satisfied merely if the General Assembly “abide[s] by Article XIV and Article I, § 1” by addressing a single subject and putting the question to voters by ballot. (Br. 34–35; *see also* Br. 30–34 (emphasizing supposed adequate notice outside the ballot question).) In the lower court, Defendants more clearly denied that “the general due process provisions of the Declaration of Rights have” any “effect” on ballot questions. (E. 409.) The assertion is wrong and—it seems—abandoned, as Defendants appear to admit that constitutional due process dictates govern the substance of ballot question the General Assembly puts to voters. (*See* Br. 35–36.)

Indeed, this Court has already held that the State’s due process provisions apply to ballot questions, given that “the essence of due process is

notice,” and voters’ due process is “not protected” when no publication or reasonable notice is followed “so that reasonably well-informed voters may be assured.” *McDonough*, 277 Md. at 282; *Stop Slots*, 424 Md. at 192; *Surratt*, 320 Md. at 448–49. And Maryland precedent more generally deems it “well settled that a State Legislature may not enact laws that are in derogation of the Constitution.” *Lamone v. Capozzi*, 396 Md. 53, 73 (2006). Even where the General Assembly has express “authority” to act under the Constitution, it cannot “by statute . . . contradict or amend the Constitution,” *Bienkowski v. Brooks*, 386 Md. 516, 546 (2005), and thus cannot act in violation of the State’s individual-rights guarantees, *Nader for President 2004 v. Md. State Bd. of Elections*, 399 Md. 681, 708 (2007) (rejecting action inconsistent with Articles 7 and 24 of the Maryland Declaration of Rights, even though it was within an affirmative constitutional authority); *cf. Wesberry v. Sanders*, 376 U.S. 1, 5–6 (1964) (constitutional delegation of power over congressional elections to Congress and state legislatures did not exempt them from the Fourteenth Amendment).

The Maryland Constitution requires due process before any person can be “deprived of his” “liberty.” MD. CONST. decl. of rights art. 24; *see City of Frostburg v. Jenkins*, 215 Md. 9, 15 (1957) (explaining that the term “Law of the Land” is synonymous with due process). The right to vote is a liberty interest that receives enhanced protection under Maryland’s guarantee that

“elections” be “free.” MD. CONST. decl. of rights art. 7. The right to vote can be subject to “arbitrary impairment” in any number of ways, such as “a false tally,” “a refusal to count votes from arbitrarily selected precincts,” “or by a stuffing of the ballot box.” *Baker v. Carr*, 369 U.S. 186, 208 (1962) (citations omitted). It can equally be impaired when the General Assembly “lead[s] the public to believe that the proposed legislation is substantially different from that which would actually become law” *Surratt*, 320 Md. at 448–49. When that occurs, the *process* of constitutional amendment becomes thwarted such that it cannot be taken to reflect the people’s will. That is why Maryland’s due-process rights extend beyond judicial proceedings “to every case which may deprive a citizen of life, liberty, or property, whether the proceeding be judicial, administrative or executive in its nature.” *Ulman v. Mayor of Baltimore*, 72 Md. 587, 593 (1890) (citation omitted). These rights apply here.

If the law were otherwise, the General Assembly could achieve constitutional amendments without restraint, and could provide *anything* to the public, including representations that its proposed amendment means anything at all. The General Assembly would in that event be free to describe the redistricting amendment at issue here as a proposal to “raise pay for firefighters,” “remove pollution from the Chesapeake Bay,” “improve low-income neighborhoods in Baltimore,” “lower taxes on middle-class citizens”—or whatever else it thought sounded appealing. That is not the law, and

Defendants have (it seems) prudently abandoned the contrary position it fervently advanced below.

2. No Standard of Deference Could Save the Overtly Misleading Ballot Language, Which Implicates None of the Justifications for Deference

Defendants advance a softer form of their immunity argument in asking the Court to apply robust deference to the ballot language. (Br. 37.) But no amount of deference should blind the Court to the General Assembly’s attempt to mislead voters. This case does not concern merely whether “better ballot language” could be drafted, (Br. 35), and the Court need not “exercise” the drafting task itself, (Br. 37), to see that the General Assembly carefully disguised a controversial proposal in language that misleads voters about the effect of the proposed amendment.

Moreover, this case involves none of the justifications that underpin any doctrine of deference. Precedent gives the General Assembly breathing room to describe “issues facing the General Assembly today” that “are far more complex than those coming before it in earlier times” *Md. Classified Emps. Ass’n, Inc. v. State*, 346 Md. 1, 14 (1997). But the General Assembly here desires something very simple—complete freedom from the Maryland Constitution in congressional redistricting. Its request is as simple as the amendment word it uses: “NOTHING.” Defendants have no trouble stating the request in plain English: “that no other provisions of the Maryland

Constitution or Declaration of Rights provided ‘applicable criteria’ for the review of a congressional districting challenge.” (Br. 8.) The General Assembly could have been equally direct.⁴

For the same reason, a concern with “over-complicating a submission to voters” cuts *against* the State. (Br. 37.) The problem here is that the General Assembly purposefully made a very *simple* request complex and thereby seeks to deceive the public. Had it chosen against needless complexity, it might have told the truth. Nor does any concern for modern developments matter here. “Partisan gerrymandering is nothing new.” *Rucho v. Common Cause*, 588 U.S. 684, 696 (2019). “The practice was known in the Colonies prior to Independence, and the Framers were familiar with it at the time of the drafting and ratification of the Constitution.” *Id.* (citation omitted). The desire to gerrymander without limit does not implicate modern complexities that support any form of deference.

⁴ Defendants also claim “deference is owed” when the General Assembly’s ballot question “adher[es] closely to the legislative title.” (Br. 36.) But the General Assembly did not adhere to the legislative title’s text—which includes the “nothing” language—here. (E. 49.) Defendants fail to explain the ballot question’s substantial departure from the legislative title, and the choice is not entitled to any deference.

3. The Circuit Court Did Not Rest Its Due Process Holding on Any Statute, and the General Assembly’s Own Admissions of What Due Process Requires Support the Circuit Court’s Judgment in All Events

Defendants’ assertion that the General Assembly is exempt from the law it fashioned, (Br. 40–42), does not challenge the circuit court’s holding that the ballot question is so misleading as to fail the irreducible due process minimum, (E. 515–18). The circuit court applied “the Maryland Constitution and Declaration of Rights,” not a statute. (See E. 515.) As explained, Defendants appear to have now conceded the General Assembly is subject to due-process constraints. And the due-process prohibition on ballot language “calculated” to mislead is sufficient to condemn the language here, *Surratt*, 320 Md. at 448–49; *Stop Slots*, 424 Md. at 192; *McDonough*, 277 Md. at 282, which survives no “minimum standards of reasonable clarity, accuracy, and completeness required under [the] case law,” *Md. State Bd. of Elections v. Ambridge*, 489 Md. 404, 432 (2025).

In all events, as explained in more depth below, *see infra* § III, EL §§ 7-103 and 7-105 “implement” Maryland’s constitutional notice requirements. *See Stop Slots*, 424 Md. at 189–93. At minimum, they reflect the General Assembly’s own understanding of what process voters are due when presented with the important task of deciding whether to amend the State’s fundamental charter. Even if the statutes are not in every respect normative in a

constitutionally binding manner, it is hard to take seriously the argument that ballot language need not be “prepared in clear and concise language, devoid of technical and legal terms to the extent practicable, summarizing the question,” EL § 7-105(b)(1), or that it need not use terms “a voter can easily understand,” EL § 7-103(b)(4)(i). This terminology aptly describes “the minimum standards” announced in precedent. *Ambridge*, 489 Md. at 432. It is valuable in confirming that the legislative department, not only the courts, understands the basic mandate of the Constitution. The Court should not lose sight of this in the State’s academic discussion of legislative power.

4. The Supposed “Adequate Notice” Does Not Cure
Misleading, Deceptive, and Manipulative Ballot Language
Text

There is, finally, no merit in Defendants’ suggestion that website publications and news coverage establish sufficient notice. (Br. 30–34.) Setting aside the timing deficiencies in the General Assembly’s actions, *see infra* § III.A, no amount of publication can cure “a misleading and inaccurate notice.” *Surratt*, 320 Md. at 450. Even if the public can dig through a website, or wade through competing commercials and editorials, to eventually learn the true nature of the amendment at issue, the General Assembly’s ballot question must independently satisfy due process.

It is, for the same reason, irrelevant that a voter “who wants to learn what” the misleading ballot language actually references “will be able to refer

to the full text, published online and available from local boards, or to the detailed summary that will be sent to them individually with their sample ballot in October.” (Br. 38.) Defendants cannot seriously contend that the General Assembly could use ballot language describing a redistricting amendment as a Chesapeake Bay pollution-control measure merely because voters would be free to catch its lie by their own research. So too here. The circuit court’s order should accordingly be affirmed, in full.

III. HB2100 Violates Multiple Provisions of EL §§ 7-103 and 7-105

The circuit court not only found that HB2100 should be enjoined for violating Marylanders’ Constitutional rights, but *also* that it should be enjoined for violating several statutory requirements that the General Assembly has made applicable to proposed constitutional amendments. The circuit court’s judgment should also be affirmed on these statutory grounds.

A. The Circuit Court Correctly Identified Numerous Statutory Violations

As explained above, HB2100 violates the Maryland Constitution and Declaration of Rights directly. But the circuit court correctly identified a second fatal flaw: the General Assembly’s scheme violates multiple provisions of the Election Law—including provisions adopted by this same General Assembly mere months ago. (E. 518–521.)

Most egregiously, the same misleading ballot language that violates the Constitution directly, *see supra* § II.A, also violates the Election Law. In pertinent part, EL § 7-103(b)(4) requires ballot statements to describe the “change in policy” in a way a voter can “easily understand,” and in a way that “does not explain the legal mechanism providing for the policy change” and “does not contain legal jargon or use double negatives or the passive voice.” *Id.* § 7-103(b)(4)(i)–(iii). Moreover, EL § 7-103(b)(6) requires a brief statement of “what the practical outcome of each voting choice would be.”

HB2100’s ballot language does none of these things. As explained above, HB2100’s sanitized description of the proposed constitutional amendment does not even explain that a “change in policy” is happening at all, preferring to hide behind a purported “clarification” of “certain standards.” (E. 51, 55.) It fails to inform voters that *all* constitutional protections for Congressional districts will be stripped, including the most fundamental protections provided by the Declaration of Rights. *See supra* § II.A. And the General Assembly does not even attempt to explain “the practical outcome” of a vote for or against the proposed amendment—in sharp contrast with the public descriptions for Ballot Questions 1 and 2 currently proposed for the same ballot. (E. 53–55.)

Moreover, Defendants must concede that the General Assembly simply dispensed with its own carefully designed timetable for providing notice to the public. The Secretary of State’s July 1 certification deadline under EL § 7-

103(c), the first-Monday-in-August (i.e., August 3, 2026) summary deadline under EL § 7-105(b)(2), and the 90-day posting requirement under EL § 7-105(e) (i.e., August 5, 2026) had all passed before or immediately upon HB2100’s enactment on August 5, 2026. Similarly, as the circuit court expressly noted, “the State did not even attempt to comply with the 15-day comment period for the public” required by EL § 7-103(c)(5). (E. 508, 520.)

Because those statutes implement the due process guarantee, *Stop Slots*, 424 Md. at 189–90, 192, the non-compliance with these requirements is a deprivation of Plaintiffs’ Due Process and Free Election rights in Articles 24 and 7 of the Declaration of Rights—one that the General Assembly itself created by enacting the amendment over a month *after* the certification deadline had run. Each of those failures is also an “act or omission” by Defendants that is “inconsistent with this article or other law applicable to the elections process” in violation of EL § 12-202(a). Before an election, officials must “do what the law tells them to do” and courts must require compliance. *Dutton v. Tawes*, 225 Md. 484, 491 (1961). These failures cannot be cured and were a compelling justification for the circuit court’s injunction barring HB2100’s proposed amendments from the ballot.

B. The Election Law Article Applies Here

Defendants respond to these clear violations of law, as they did below, by claiming that the Election Law Article has nothing to say in this situation.

(Br. 40–42.) In their view, because Article XIV gives the General Assembly “authority to prescribe the form of a proposed amendment to be submitted to the voters,” the Election Law’s “deadlines, drafting standards, and [] notice and comment period” do not apply whenever the General Assembly itself authors “the specific question to appear on the ballot.” (Br. 16–17 (alteration marks omitted).) As the circuit court correctly found, (E. 519–21), this argument lacks merit several times over.

First, as the circuit court recognized, there is no precedent for this position. In place of authority, Defendants “state that it is implicit that the General Assembly’s constitutional authority under Article XIV cannot be limited by law,” (E. 519), and insist that *Stop Slots* did not “[c]onstitutionalize” EL §§ 7-103 and 7-105 for proposed constitutional amendments. (See Br. 40.) To the contrary, EL § 7-101(1)(ii) explicitly states that Title 7 of the Election Law Article applies to ballot questions relating to “an amendment pursuant to Article XIV of the Maryland Constitution.” And this Court has explained that EL §§ 7-103 and 7-105 “implement” Maryland’s constitutional requirements for voter input and due process on proposed constitutional amendments. See *Stop Slots*, 424 Md. at 189–93. None of Defendants’ arguments were meritorious below, and they are not meritorious here.

At a minimum, the suggestion that the Election Law Article conflicts with Article XIV is a non sequitur. Even if Defendants were correct, and the

General Assembly has unbridled authority over the “form” of a ballot measure, *but see supra* § II, that says nothing about the Election Law Article’s timing requirements. Whatever “form” of language appears on the ballot must still be reviewed, approved, formatted, printed, and distributed. In adopting EL §§ 7-103 and 7-105, the General Assembly chose to bind itself—and the executive branch officers responsible for these activities—by law concerning that process.

Indeed, Article XIV supports the point. Defendants themselves explain that notice of a proposed constitutional amendment may either “be published in a certain number of newspapers around the State ‘once a week for four weeks . . . immediately preceding’ the election” or else the Governor “may order publication in some other ‘manner provided by law.’” (Br. 30 (quoting Article XIV).) Just so: the General Assembly may, “by law,” require the executive branch to provide notice of a proposed constitutional amendment through certain processes. That is precisely what the Election Law Article does.

Defendants’ response that “the General Assembly” may not “enact[] legislation that binds or restricts future General Assemblies” falls flat. (Br. 27.) For one thing, it was *this very General Assembly* that, just three months before passing HB2100, amended EL §§ 7-103 and 7-105—the statutes Defendants argue should not bind “future” General Assemblies. *See* SB29, 2026 Md. Laws,

ch. 439 (passed May 12, 2026, effective June 1, 2026).⁵ Clearly, the General Assembly was, and remains, free to amend those provisions of law. But rather than doing so, the General Assembly purported to bypass its own statutory framework altogether. Defendants’ theory would therefore permit the General Assembly to avoid the statutory safeguards implementing Article XIV simply by exercising its Article XIV drafting authority directly. If that is correct, it is not clear why the General Assembly (indeed, *this* General Assembly) adopted these provisions in the first place.

Nor should the applicability of the Election Law Article be surprising. The use of a general statute to prescribe the process by which all constitutional amendments are placed upon the ballot has long been approved in Maryland. *See, e.g., Morris v. Governor of Md.*, 263 Md. 20, 26 (1971) (“From time to time since 1896 at least . . . the legislature has by general legislation prescribed to some extent the form in which a proposed constitutional amendment is thereafter to be submitted to voters. This Court seemingly has regarded such a procedure as acceptable and valid”); *Warfield v. Vandiver*, 101 Md. 78, 127

⁵ Among other changes, SB29 amplified the requirements for the condensed statement in EL § 7-103(b)(4) around “describing the change in policy to be adopted in plain and clear language,” added the notice-and-comment period for the proposed ballot statement, EL § 7-103(b)(5), and required the SBE and local boards to post the text of any proposed constitutional or county/city charter amendments 90 days before the general election. EL § 7-105(e). HB2100 did not follow any of these requirements imposed by this very General Assembly.

(1905) (“had section 2 [of the 1904 legislation authorizing a ballot measure] been wholly omitted, or if it were now stricken out, the Code would supply all the details and machinery needed to place the amendment on the official ballot at the next general election”). This long-time practice, accepted by this Court, cuts strongly against any argument that the General Assembly may simply disregard the provisions of a general law providing a process for placing constitutional amendments on the ballot. Indeed, it is telling that they can identify no similar attempt in Maryland’s history.⁶

Second, the Election Law Article provisions at issue explicitly apply to constitutional amendments proposed under Article XIV. *See* EL § 7-101(1)(ii). Defendants can point to no provision of the Election Law Article supporting their theory. “All” means all, and Defendants are bound by that plain statement of law.

⁶ The State provides only one historical example to support its view, which appears to have been inadvertently miscited. (Br. 29.) *See* 2012 Md. Laws, 2nd Spec. Sess., ch. 1, § 6(2). But that act is easily distinguished. It did not involve a constitutional amendment, occurred under the General Assembly’s Article XIX authority (not Article XIV), and predates the protections of the Election Law Article at issue here. More importantly, the State is incorrect in arguing that this was a “pure exercise” of the General Assembly’s constitutional authority. (Br. 29.) Instead, as contemplated by the statutes, it instructed the executive branch to draft ballot language “substantially similar” to the bill text. 2012 Md. Laws at § 6(1). In having to reach so far afield, the State emphasizes how unprecedented its position here actually is.

Third, Defendants hang their case on an argument that “[b]y drafting the ballot question itself,” instead of delegating that task to the Secretary of State, the General Assembly “ensur[ed] that Election Law §§ 7-103 and 7-105 . . . have no application.” (Br. 23.) This argument—the core of this appeal—fails.

For one thing, it proves too much. EL § 7-103(b) sets forth specific requirements for the sufficiency of ballot language to ensure that the ballot is “complete enough to convey an intelligent idea of the scope and import of the amendment” and “ought not to be clouded by undue detail” or “misleading tendency, whether of amplification, or omission.” *Stop Slots*, 424 Md. at 190–91 (quoting *McDonough*, 277 Md. at 301–02). To that end, EL § 7-103(b) requires that each question appear on the ballot with specific information: a question number or letter; a brief designation of the type or source of the question; a brief title in boldface type describing the topic, goal, or outcome; a condensed statement describing the change in policy in plain and clear language that a voter can easily understand, that does not explain the legal mechanism providing for the policy change, and that avoids legal jargon, double negatives, and the passive voice; the voting choices; and a brief statement explaining the practical outcome of each voting choice. EL § 7-103(b)(1)–(6). Because this statute exists to implement the constitutional

requirements, *Stop Slots*, 424 Md. at 189–90, a question that fails these elements equally fails the constitutional standard.

The Secretary of State must “prepare and certify to the State Board” *all* “the information required under” EL § 7-103(b) “[o]n or before July 1.” EL § 7-103(c)(1). But the General Assembly did not even attempt to provide all the information required by EL § 7-103(b). At a minimum, it did not provide the question number (itself regulated by EL § 7-103(d)), “a brief title in boldface type describing the topic, goal, or outcome,” or “a brief statement explaining what the practical outcome of each voting choice would be.” EL § 7-103(b)(1), (3), (6). It is not clear what the General Assembly intends in this situation. If the Secretary is expected to fill in the blanks, that expectation contradicts any suggestion that the General Assembly “left no room for the Secretary to play a role.” (Br. 23.)

Alternatively, if the General Assembly expected solely the language specified by HB2100 to be put to the voter without any “middlemen,” (Br. 22), another statutory problem arises. EL § 7-105(a) requires a local board to provide notice by mailing a “specimen ballot” or “publi[shing] or disseminati[ng] by mass communication” before the election. This notice must include the text of the actual question on the ballot and a brief statement summarizing the question. EL § 7-105(b). Second, the brief statement referenced in EL § 7-105(b) must be prepared by “the Department of

Legislative Services,” then “approved by the Attorney General,” and then “submitted to the State Board *by the first Monday in August.*” EL § 7-105(b)(2)(i)–(iii) (emphasis added). The amendment text must also be posted by the “State Board and each applicable local board” in a manner widely accessible to the public for “at least 90 days before the general election.” EL § 7-105(e).

EL § 7-105, then, sets the notice requirements for ballot questions, and subsection (b)(1) states that “[f]or *any question submitted under Article XIV . . .* of the Maryland Constitution, the notice required by subsection (a) of this section shall contain the information specified in § 7-103(b) of this title *and* a brief statement, prepared in clear and concise language, devoid of technical and legal terms to the extent practicable, summarizing the question.” EL § 7-105(b)(1) (emphasis added). EL § 7-105(b)(3) then states that “[t]he statement required under paragraph (1) of this subsection is sufficient if it is: (i) contained in an enactment by the General Assembly, and the enactment clearly specifies that the statement is to be used on the ballot.” EL § 7-105(b)(3).

EL § 7-105(b)(3) thus provides a limited role for the General Assembly in the process of preparing a question for the ballot—the General Assembly *may* prepare the “brief statement . . . summarizing the question.” EL § 7-105(b)(1). But this statement is required *in addition* to the information required by EL § 7-103(b). Nothing in EL § 7-105 states that the General

Assembly’s preparation of this “brief statement” voids all the other requirements of EL § 7-105, or any of the requirements of EL § 7-103. And nothing in EL § 7-103 states its requirements are inapplicable if the General Assembly prepares the brief statement pursuant to EL § 7-105(b)(3) for purposes of the notice to be provided to voters. Indeed, in explaining that language provided by the General Assembly meets some, but not all, of EL § 7-105’s requirements, the statute plainly requires relevant officials to provide the missing information and abide by the relevant deadlines.

After all, *executive branch* officials—and local boards governed by EL § 7-105—are bound by laws of general applicability. No one questions the General Assembly’s authority to repeal or replace the Election Law Article by the ordinary legislative process. But having declined to do so—indeed, having very recently strengthened their protections—EL §§ 7-103 and 7-105 remain in effect. The General Assembly’s attempt to waive away the application of the laws in favor of a unilateral, unspecified “figure it out” instruction is wholly inconsistent with the statutory framework and itself smacks of the due process concerns described above. *Supra* § II.

Moreover, Defendants’ interpretation of the law would produce untenable consequences. For one, it will result in Questions 1 and 2 being on the ballot in compliance with EL §§ 7-103 and 7-105, with Question 3 being on the same ballot while being governed by a different process and appearing very

differently. *But see Warfield*, 101 Md. at 123 (finding it “cannot be presumed there was an intention to have two different methods [of placing amendments on the ballot] in operation at the same time”).

Finally, the General Assembly’s claim of unlimited authority to draft ballot questions for proposed constitutional amendments and direct them to be placed on the ballot at any point in time with no notice to voters creates obvious issues. The General Assembly could, for example, pass a proposed constitutional amendment on August 30, the State Board could certify the ballot the next day, and ballots could be printed on September 3. (*See* E. 439–441.) The State Board and local boards would be under no obligation to post the text of the ballot question or the proposed constitutional amendment. Notice would never need to be mailed to voters. The ballot would not be required to contain any of the ordinary information about the ballot question, like a question number, title, or description of the effect of voting choices. The only information on the ballot would be whatever the General Assembly provided—here, that would simply be the General Assembly’s own summary statement.

But such an interpretation is inconsistent with *Stop Slots*’s holding that the Election Law “implement[s]” the constitutional requirements. 424 Md. at 189–93. Acting together, the constitutional and Election Law Article requirements establish a framework that ensures that the ballot question for

a proposed constitutional amendment is a “clear, unambiguous and understandable statement of the full and complete nature of the issues undertaken to be included in the proposition” that “permit[s] an average voter, in a meaningful manner, to exercise an intelligent choice.” *Id.* at 189–90 (citation omitted). The General Assembly is not free to dispense with that framework under the auspices of writing its own ballot statement.

C. The General Assembly’s Attempt to Exclude HB2100 from the Requirements of EL §§ 7-103 and 7-105 Violates the Anti-Retroactivity Principle

Defendants have asserted that the “[n]otwithstanding” language contained in HB2100 exempts this proposed amendment from the statutory requirements of EL §§ 7-103 and 7-105. (*See* Br. 19.) Setting aside the fact that those statutes implement constitutional guarantees, and constitutional guarantees cannot be abrogated by statute, *see supra* § II.C, the General Assembly’s attempt to exempt HB2100 from those requirements is barred by Article 24 of the Maryland Declaration of Rights’ anti-retroactivity principle and Article I, § 7.

Retrospective statutes are those “acts which operate on transactions which have occurred or rights and obligations which existed before passage of the act.” *Langston v. Riffe*, 359 Md. 396, 406 (2000). Legislation that retroactively abrogates vested rights violates Article 24 of the Declaration of Rights. *Muskin v. State Dep’t of Assessments & Taxation*, 422 Md. 544, 557

(2011) (“Retrospective statutes that abrogate vested rights are unconstitutional generally in Maryland”).

Section 3(b)(2) of HB2100 is impermissibly retrospective under Maryland law. The July 1, 2026, deadline for the Secretary of State to prepare and certify the ballot question information required by EL § 7-103 expired more than a month before HB2100’s enactment, and the August 3 and August 5 deadlines for the brief statement to be submitted and for the posting of the proposed amendment were not met. HB2100 purports to alter the legal significance of those missed deadlines. Because the Election Law Article “implements” the requirements of the Maryland Constitution, *Stop Slots*, 424 Md. at 189, HB2100 also retroactively abrogates the vested rights of Plaintiffs to a prescribed number of days of notice of proposed constitutional amendments, and to notice-and-comment on the proposed ballot question.

The Election Law Article’s implementation of these constitutional guarantees vested Plaintiffs and other voters with specific rights to notice, to notice-and-comment on the proposed ballot question, and other rights for ballot questions to be placed on the November 3, 2026, general election ballot. Those rights vested once the first deadline (July 1) passed, fixing the universe of constitutional ballot questions for the 2026 ballot. The General Assembly is not free to allow these established deadlines to pass for that election and then, by

adding a “notwithstanding” clause to § 3(b)(2) of HB2100, abrogate Plaintiffs’ vested rights as to questions to be presented on the 2026 ballot.

Democratic lawmakers who advocated for the “notwithstanding” clause admitted that its purpose was to bypass the requirements of the Election Law Article because it was too late for the process to be followed. *See Video of House Floor Actions (8/3/2026)*, MD. GEN. ASSEMBLY, at 42:05–42:30, <https://mgaleg.maryland.gov/mgaweb/FloorActions/Media/house-71-A?year=2026RS> (last visited Aug. 8, 2026). But this attempt to selectively apply statutory requirements based on political expediencies violates Plaintiffs’ due process rights and their rights to free and fair elections guaranteed by Articles 24 and 7 of the Declaration of Rights, and the General Assembly’s obligation to “pass Laws necessary for the preservation of the purity of Elections.” MD. CONST. art. I, § 7. Thus, the “notwithstanding” clause does not provide the General Assembly an easy vehicle to exempt HB2100 and its ballot question from the process it enacted to govern the placement of proposed constitutional amendments on the ballot.

IV. The Court Properly Granted Summary Judgment on Plaintiffs’ Claim that HB2100 Violates the Single-Subject Requirement of the Maryland Constitution

Finally, the circuit court properly granted summary judgment to Plaintiffs on Count III of the Complaint, which alleged HB2100 is invalid because its proposed amendment violates the single-subject requirement set

forth in Article XIV, § 1 of the Maryland Constitution. Constitutional amendments are limited to a single subject matter. But HB2100 asks voters to amend provisions of Maryland's Constitution in three distinct ways: (1) limit existing redistricting criteria in the Constitution to General Assembly districts; (2) enable the General Assembly to grant the Maryland Supreme Court original jurisdiction to review congressional redistricting legislation; and (3) provide that nothing in Maryland's constitution provides the criteria for congressional districts. As the circuit court properly found, (E. 521–522), these three proposed changes “serve distinct, disjointed purposes” and are therefore separate subjects that have to be presented separately to voters. Because HB2100 improperly attempts to merge them together, HB2100 violates the single-subject requirement and the circuit court's judgment should be affirmed.

A. The Single-Subject Requirement Is Intended to Prevent Logrolling and Misleading Constitutional Amendments

Article XIV, § 1 of the Maryland Constitution sets forth a single-subject requirement:

The General Assembly may propose Amendments to this Constitution; provided that *each Amendment shall be embraced in a separate bill*, embodying the Article or Section, as the same will stand when amended and passed . . . The requirement in this section that an amendment proposed by the General Assembly shall be embraced in a separate bill shall not be construed or applied to prevent the General Assembly from (1) proposing in one bill a series of amendments to the Constitution of Maryland for the general purpose of removing or correcting constitutional provisions which are obsolete, inaccurate, invalid,

unconstitutional, or duplicative; or (2) embodying in a single Constitutional amendment one or more Articles of the Constitution ***so long as that Constitutional amendment embraces only a single subject.***

MD. CONST. art. XIV, § 1 (emphasis added). This Court has explained that this provision “viewed as a whole, is intended to require a single amendment to deal with a single subject which may be ratified or rejected by a single vote.” *Andrews v. Governor of Md.*, 294 Md. 285, 296–97 (1982). “If the proposed changes deal with different or dissimilar subjects and seek to reach different objectives which require amendment, then the legislature must submit these proposals to the electorate so as to allow the electors to vote upon each separately.” *Id.* at 297.

Maryland and other states with similar single-subject requirements “generally agree[] that these constitutional provisions are all aimed at preventing the pernicious practice of ‘logrolling’ in the submission of a constitutional amendment.” *Id.* at 292 (collecting cases). “Logrolling occurs when two or more propositions essentially dissimilar in subject matter are submitted to the electorate in one amendment so that the voter may cast one expression of his vote answer on the measure as a whole.” *Id.* A legislature is guilty of logrolling when it proposes an amendment with propositions “related to more than one subject and [which] ha[s] at least two distinct and separate purposes not dependent upon or connected with each other,” *id.*, so as to “make

it impossible for the voters to express their will as to each,” *id.* at 296 (citing *Baum v. Newbry*, 267 P.2d 220, 223 (Or. 1954)).

Single-subject requirements are also intended to prohibit proposed amendments that are misleading to the public. *See id.* at 295 (single-subject requirements help “prevent imposition upon or deceit of the public by the presentation of a proposal which is misleading or the effect of which is concealed or not readily understandable,” quoting *In re Initiative Petition No. 314*, 625 P.2d 595 (Okla. 1980)). Thus, a proposed amendment should not stand when it is misleading to the public and “logrolls” unrelated proposals into one. *See id.*; *In re Initiative Petition No. 314*, 625 P.2d at 603; *Fugina v. Donovan*, 104 N.W.2d 911, 914 (Minn. 1960).

B. HB2100 Logrolls Multiple Changes to Maryland’s Constitution in Ways that Mislead Voters

As the circuit court properly found, HB2100 attempts to combine three distinct amendments to the Maryland Constitution into a single amendment—a clear logrolling attempt that Article XIV, § 1’s single-subject requirement condemns.

This Court in *Andrews* found “especially instructive” the Oklahoma Supreme Court’s decision in *In re Initiative Petition No. 314*. *See* 294 Md. at 295. That case held that a proposed amendment which “[c]ombin[ed] proposals to allow unlimited advertising of alcoholic beverages and franchising

agreements with a proposal to allow on-premises consumption” was “logrolling of the worst type.” *In re Initiative Petition No. 314*, 625 P.2d at 607. The proponents argued the proposal had “one general subject which is control of alcoholic beverages,” *id.* at 600, but the court rejected that defense and struck the amendment. *Id.* at 607–08.

Similarly, *Andrews* cited to the Arizona Supreme Court’s decision in *Kerby v. Luhrs* which found a violation of Arizona’s single-subject requirement for a proposed amendment that, under the umbrella of taxation, in fact concerned three distinct subjects: (1) the method of taxing copper mines, (2) the method of taxing public utility corporations, and (3) the establishment of a tax commission. 36 P.2d 549, 554–55 (Ariz. 1934). *Kerby* held that “there are at least three distinct propositions contained therein, no two of which are necessarily required for a proper operation of the third” and “[o]n their face they have no direct relation *to each other*.” *Id.* at 554 (emphasis in original). “Their only connection is that they are all embraced in a broader general subject, to wit, that of taxation.” *Id.*

While *Andrews* recognized that the single-subject rule allows multiple changes in a single proposed amendment when the changes are “interlocking concepts and . . . so functionally interrelated as to present a single subject,” 294 Md. at 300, that does not save HB2100. The Pennsylvania Supreme Court recently rejected a “functionally interrelated” defense to a proposed crime-

victims rights constitutional amendment which added “numerous new and broad constitutional rights” for crime victims. *League of Women Voters of Pa. v. DeGraffenreid*, 265 A.3d 207, 239–40, 262 (Pa. 2021). Citing *Andrews*, the *League of Women Voters* court recognized that multiple changes in a single amendment are “functionally interrelated” where they “form an interlocking package necessary to accomplish one overarching objective, such that the amendment ‘stands or falls as a whole.’” *Id.* at 237 (citing *Andrews*, 294 Md. at 297 and quoting *Kerby*, 36 P.2d at 554). But “[i]f any of the multiple changes in a proposed amendment are independent of the others, and could stand alone, then [the constitution] requires that they be presented separately to the voters so that they may individually vote on those changes.” *Id.* Because the crime-victims’ rights were “not dependent on each other to be effective” and could operate independently, they were not functionally interrelated and had to be presented separately to the voters. *Id.* at 240.

The amendment that HB2100 proposes is both misleading and an impermissible attempt at logrolling multiple propositions relating to different subjects into one amendment. HB2100 contains three amendments: the amendment to Article III, § 4 limiting the provision’s criteria to General Assembly districts, the creation of a provision in Article III, § 62 authorizing the grant of original jurisdiction to the Maryland Supreme Court, and the creation of a provision in Article III, § 62 rendering all requirements of the

Maryland Constitution, including the Declaration of Rights, inapplicable to congressional districts. (E. 50.) These are “three distinct propositions contained therein, no two of which are necessarily required for a proper operation of the third.” *Kerby*, 36 P.2d at 554. As the circuit court found, the amendment limiting the criteria for General Assembly districts could be separately proposed from the amendment providing original jurisdiction over congressional districts to this Court. (E. 522.) And voters could choose differently as to whether to exempt *just* the Article III, § 4 traditional-criteria requirements from congressional redistricting or the *entire Maryland Constitution and Declaration of Rights*. All three provisions could stand alone. Thus, they must be presented separately.

The combination of these amendments into one proposal was not done “to make obvious possible hidden side effects and to promote public awareness.” *Andrews*, 294 Md. at 297. To the contrary, the proposed amendments—and the accompanying ballot text—are misleading to the public and hide their true effects. *See supra* § II.A.

Accordingly, HB2100’s proposed amendments attempt to “constrain[] [voters] to adopt measures of which in reality they disapprove, in order to secure the enactment of others they earnestly desire” in violation of the single-subject requirement. *Andrews*, 294 Md. at 301 (quoting *Mundell v. Swedlund*, 71 P.2d 434, 443–44 (Idaho 1937)). Such tactics constitute unconstitutional

logrolling and an attempt to confuse and mislead voters, violating the single-subject requirement of Article XIV, § 1 of the Maryland Constitution.

C. The General Assembly Is Not Entitled to Circumvent the Single-Subject Requirement by Using a Vague, Broadly Defined “Subject” of Its Amendment

On appeal, as they did below, Defendants mainly rely on *Hillman v. Stockett*, 183 Md. 641 (1944), to support an argument that there is virtually no limit to how broadly the General Assembly can define the scope of the “single subject” to which multiple amendments can relate. Defendants urge this Court to find that all three changes relate to one subject-matter: “the drawing of election districts.” (Br. 45.) But that case does not allow Defendants to end-run the single-subject requirement by making gerrymandering the “subject” of the proposed amendments.

Hillman analyzed a proposed amendment that made four changes to Maryland’s Constitution relevant to the State’s judicial structure. Defendants list the four changes, (Br. 44), but gloss over *Hillman*’s legal analysis. *Hillman* recognized that constitutional provisions are often “interrelated” and “dependent” on others, and considered that principle when analyzing the proposed changes:

For instance, in the sections of the judiciary article to be changed by the proposed amendment, Section 14 provides that the Court of Appeals shall be composed of the Chief Judges of the first seven of the several judicial circuits of the State, etc. To find out how these Chief Judges are named, it is necessary to look at Section 21. If the

Legislature desired, as it did, to submit an amendment changing the composition of the Court of Appeals so that it would be composed, not of Chief Judges, but of specially elected Judges from newly created appellate circuits, it was necessary for it, not only to propose an amendment to Section 14, but also to propose an amendment to Section 21.

Id. at 652. Because constitutional provisions are often interrelated, revising some provisions can require, or make desirable, making changes to others. *Hillman* observed that if the related proposed changes to the judiciary were submitted separately to voters, it created a risk that “one [proposed change] might be adopted, and the other not, with great subsequent confusion and disorganization of the Courts” as a result. *Id.* In that context, the Court found, some measure of legislative deference was appropriate as to the scope of relatedness of proposed amendments—i.e., “[i]n the absence of a clear violation, the judgment of the Legislature as to what is related and what is not related should be respected.” *Id.* at 653. In short, *Hillman* is not a rubber-stamp for logrolling.

Courts have repeatedly rejected proposed amendments that attempted to combine unrelated changes under the umbrella of an alleged “single subject.” As explained above, *Andrews* cited with approval, 294 Md. at 295–296, two such cases—*In re Initiative Petition No. 314*, 625 P.2d 595 and *Kerby*, 36 P.2d 549. Moreover, the Pennsylvania Supreme Court, relying on *Andrews*, recently found a single-subject violation when proposed amendments were

“independent of the others, and could stand alone.” *League of Women Voters of Pa.*, 265 A.3d at 237.

So too here. Exempting congressional redistricting from the requirements of Article III, § 4 of the Maryland Constitution—one of HB2100’s proposals—is one thing. Finding that *nothing in the Maryland Constitution or Declaration of Rights* shall apply to congressional districting criteria—another proposal—is a separate question. And vesting the General Assembly with authority to grant original jurisdiction to this Court to review the State’s congressional districting plan is a third.

Each provision rises and falls on its own, and each presents different and unique choices to Maryland’s voters. Maryland’s Constitution demands that each be separately presented to voters and voted upon, so that voters can “express their will as to each.” *Andrews*, 294 Md. at 296 (citation omitted). Because HB2100 does not do so, the court below correctly held that HB2100 offended Article XIV, § 1’s single-subject requirement.

CONCLUSION

This Court should affirm the judgment of the circuit court.

Dated: September 1, 2026

Respectfully submitted,

MCALLISTER, DETAR, SHOWALTER &
WALKER LLC

/s/ Strider L. Dickson

Strider L. Dickson, AIS No. 0212170219
Victoria L. Brohawn, AIS No. 2412031042
706 Giddings Avenue, Suite 305
Annapolis, Maryland 21401
Phone: (410) 934-3900
Facsimile: (410) 934-3933
sdickson@mdswlaw.com

BAKER & HOSTETLER LLP

Allen J. Dickerson (*)
1050 Connecticut Ave., N.W., Ste. 1100
Washington, D.C. 20036
202.861.1500
adickerson@bakerlaw.com

Erika Dackin Prouty (*)
Anna E. Croyts (*)
200 Civic Center Drive, Suite 1200
Columbus, OH 43215
614.228.1541
eprouty@bakerlaw.com
acroyts@bakerlaw.com

Patrick T. Lewis (*)
127 Public Square, Suite 2000
Cleveland, OH 44114
216.621.0200
plewis@bakerlaw.com

* Specially Admitted Under
Maryland Rule 19-217

Counsel for Plaintiffs-Appellees

CERTIFICATION OF WORD COUNT
AND COMPLIANCE WITH RULE 8-112

1. This brief contains 12,761 words, excluding the parts of the brief exempted from the word count by Rule 8-503.

2. This brief complies with the font, spacing, and type-size requirements stated in Rule 8-112.

/s/ Strider L. Dickson
Strider L. Dickson

MARYLAND STATE BOARD OF
ELECTIONS, *et al.*,

Appellants,

v.

LINDSAY WHEATLEY, *et al.*,

Appellees.

IN THE SUPREME COURT
OF MARYLAND

September Term, 2026

No. 22

CERTIFICATE OF SERVICE

I certify that on September 1, 2026, the Brief of Plaintiffs-Appellees in this matter was filed electronically and served electronically by the MDEC system on all persons entitled to service.

/s/ Strider L. Dickson

Strider L. Dickson