

Circuit Court for Baltimore City
Case No. C-24-CV-24-001361
Argued: August 28, 2024

IN THE SUPREME COURT
OF MARYLAND

No. 35

September Term, 2023

BENEDICT J. FREDERICK, III, ET AL.

v.

BALTIMORE CITY BOARD OF
ELECTIONS, ET AL.

Fader, C.J.,
Booth,
Biran,
Gould,
Eaves,
Killough,
Glenn T. Harrell, Jr.
(Senior Justice, Specially
Assigned),

JJ.

PER CURIAM ORDER

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



Gregory Hilton, Clerk

Filed: August 29, 2024

BENEDICT J. FREDERICK, III, ET
AL.

v.

BALTIMORE CITY BOARD OF
ELECTIONS, ET AL.

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PER CURIAM ORDER

Upon consideration of the filings by Benedict J. Frederick, III, et al., the appellants,¹ and the Baltimore City Board of Elections, et al., the appellees,² and oral argument conducted on August 28, 2024,

Whereas, Renew Baltimore submitted a petition to amend the Baltimore City Charter to include a cap on the City's real property tax rate beginning in fiscal year 2026; and

Whereas, the Election Director of the Baltimore City Board of Elections denied certification of the petition as he determined that the petition would lead to a result prohibited by law; and

Whereas, the appellants filed a complaint on July 12, 2024 and an amended complaint on July 18, 2024; and

¹ The other named appellants are Matthew W. Wyskiel, III and Stacie Teal-Locust.

² The other named appellees are Armstead B.C. Jones, Sr., Director of the Baltimore City Board of Elections; Scherod C. Barnes, President of the Baltimore City Board of Elections; and the Mayor and City Council of Baltimore. The State Board of Elections is also an appellee but has not taken a position on the merits of the dispute.

Whereas, on July 26, 2024, the appellants filed an emergency petition for judicial review or alternatively for summary judgment, the Baltimore City Board of Elections filed a motion to dismiss or alternatively for summary judgment, and the Mayor and City Council of Baltimore filed a motion for summary judgment; and

Whereas, the parties participated in a hearing on August 8, 2024, before the circuit court; and

Whereas, on August 9, 2024, after a hearing, the circuit court signed orders granting summary judgment in favor of the Baltimore City Board of Elections and the Mayor and City Council of Baltimore and denying the appellants' motion for summary judgment; and

Whereas, the appellants noted a direct appeal from the circuit court's judgment to this Court pursuant to § 6-209(a)(3)(ii) of the Election Law Article; and

Whereas, on August 28, 2024, this Court held oral argument,

Now, therefore, for reasons to be stated later in an opinion to be filed, it is this 29th day of August, 2024, by the Supreme Court of Maryland,

ORDERED, that the Orders signed by the Circuit Court for Baltimore City on August 9, 2024 granting summary judgment in favor of the Baltimore City Board of Elections and the Mayor and City Council of Baltimore and denying the appellants' motion for summary judgment are hereby AFFIRMED. The circuit court correctly determined that the proposed charter amendment impermissibly sets the property tax rate in a manner inconsistent with § 6-302(a) of the Tax Property Article and, therefore, cannot be presented

on the November 2024 general election ballot. Costs are to be paid by the appellants and the mandate shall issue forthwith.

/s/ Matthew J. Fader
Chief Justice