

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

\* IN THE  
\* COURT OF APPEALS  
\* OF MARYLAND  
\* September Term, 2021  
\* No. Misc. COA-MISC-21-2021

\* \* \* \* \*

**MOTION TO PROMULGATE PROCEDURES TO GOVERN ANY ACTION  
BROUGHT UNDER ARTICLE III, § 5 OF THE MARYLAND CONSTITUTION**

The State of Maryland, by its counsel, respectfully requests that this Court issue an Order promulgating appropriate procedures to govern any action that may be brought under Article III, § 5 of the Constitution of Maryland to challenge the Legislative Redistricting Plan of 2022, Senate Joint Resolution 2, which was adopted by the General Assembly on January 27, 2022.

1. Article III, § 5 provides that “[i]f a plan has been adopted by the General Assembly by the 45th day after the opening of the regular session of the General Assembly in the second year following every census, the plan adopted by the General Assembly shall become law.” Section 5 further provides that “[u]pon petition of any registered voter, the Court of Appeals shall have original jurisdiction to review the legislative districting of the State and may grant appropriate relief, if it finds that the districting of the State is not consistent with requirements of either the Constitution of the United States of America, or the Constitution of Maryland.”

2. No rules are set forth in the Constitution of Maryland, the Annotated Code of Maryland, or the Rules of this Court on the appropriate procedures to be followed when this Court exercises its original jurisdiction under Article III, § 5. Nonetheless, this Court is clearly empowered to promulgate such procedures as it deems appropriate, and the Court has after each decennial census within memory issued an order promulgating procedures for the filing and adjudication of petitions for relief under Article III, § 5.

3. Looming statutory deadlines pertaining to elections for the Senate and House of Delegates present a need for prompt establishment of procedures to permit expeditious resolution of any petitions to be filed under Article III, § 5. Attached is a table setting forth the various deadlines in the election schedule, with citations to the Election Law Article of the Maryland Code (abbreviated as “EL” in the table).

4. To accommodate the needs of the election schedule as reflected in the attached table and to facilitate proper administration of the primary and general election, the State respectfully requests this Court to issue and publish an order promulgating procedures for the anticipated petitions, including the time by which any registered voter must, by petition, show cause why the voter is entitled to relief.

Respectfully submitted,

BRIAN E. FROSH  
Attorney General of Maryland

/s/ Steven M. Sullivan

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STEVEN M. SULLIVAN  
Attorney No. 9706260005  
Assistant Attorney General  
Office of the Attorney General  
200 Saint Paul Place, 20th Floor  
Baltimore, Maryland 21202  
ssullivan@oag.state.md.us  
(410) 576-6325  
(410) 576-6955 (facsimile)

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Attorneys for the State of Maryland

## 2022 Primary Election & Redistricting Calendar

(Projected new dates with 1/31 Legislative Plan passage)

Event	Current date	Source	Proposed new date	
Deadline to file candidacy	2/22/22	EL § 5-303(a)(1)	3/22/22 – 9 PM	
Deadline to withdraw	3 /4/22	EL § 5-502(a)	3/24/22	
Deadline to fill vacancy	3/8/22	EL § 5-9011(1)-(2)	3/28/22	
Deadline to challenge residency	3/9/22	EL § 5-305I	3/29/22	
Deadline to certify and display ballots	4/25/22	EL § 9-207(a)(1)		Full size PDF ballots posted to SBE website.
Ballot printing may begin	4/28/22	EL § 9-207I	5/3 – 5/4	Estimate 5,500 (maybe more) unique ballot styles.
Constitutional deadline for establishing residency in order to qualify to represent legislative or judicial districts	5/8/22	Md. Const. Art. I, § 9, Art. IV, § 2		
MOVE Act 45-day deadline (absentee ballots must be sent to military and overseas voters)	5/14/22	52 USC § 20302 (a)(8)(A)		2 methods of ballot delivery 1. Electronic 2. Mail
Referendum on Acts of 2022 General Assembly - petition deadline	5/31/22	MD. Const. art. XVI, § 3(b)		
Voter registration deadline	6/7/22	EL § 3-302(a)	5 PM in office	
Early voting	6/16/22 through 6/23/22	EL § 10-301.1	7 AM to 8 PM – new time	
Primary Election Day	6/28/22	EL § 8-201(a)(2)(i)		
Referendum on Acts of 2022 General Assembly – deadline for balance of petition signatures	6/30/22	Md. Const. art. XVI, § 3(b)		

Filing deadline for declaration of intent by unaffiliated candidates seeking nomination by petition	7/5/22	EL § 5-703(c)(3)(i)		
Local Board certification of primary election results	7/8/22	EL § 11-308(b)		
Statewide certification of primary election results	7/11/22	EL § 11-501(a)		
Deadline for petition for recount – local primary contests	7/11/22	EL § 12-101(d)		
Deadline for petition for recount – state primary contests	7/14/22	EL § 12-101(d)		
Deadline for filing new party petitions, unaffiliated candidacy petitions, and county charter amendment petitions	8/1/22	EL §§ 5-703(d) & (f) EL §§ 5-703.1(d) & (f) EL § 7-104(b)		
Deadline for nominee to decline nomination	8/2/22	EL § 5-801(b)(2)(i)		
Deadline for filling vacancy in nomination caused by declination of nomination (except for Gov/LtGov)	8/12/22	EL §§ 5-1002(b)(1), 5-1002(b)(4), 5-1004(b)		
Deadline for filling vacancy in nomination caused by death of nominee (except for Gov/LtGov)	8/19/22	EL §§ 5-1002(b)(1), 5-1002(b)(4), 5-1004(b)		
Deadline for certification and display of ballot	9/6/22	EL § 9-207(a)(2)		
Ballot printing may begin	9/9/22	EL § 9-207(e)		

MOVE Act 45-day deadline (absentee ballots must be sent to military and overseas voters)	9/24/22	52 USC § 20302 (a)(8)(A)		2 methods of ballot delivery 1. Electronic 2. Mail
Close of voter registration	10/18/22	EL § 3-302(a)		
Deadline for write-in candidates to file certificate of candidacy	10/20/22	EL § 5-303(e)		
Early voting begins	10/27/22	EL § 10-301.1		
General election day	11/8/22	Md. Const. art. XV, § 7; EL § 10-301		
Local Board certification of general election results	11/18/22	EL § 11-308(b)		
Deadline for petition for recount – local general election contests and ballot questions	11/21/22	EL § 12-101(d) EL § 12-103(d)		
Statewide certification of primary election results	12/13/22	EL § 11-503(a)(1)(ii)		
Deadline for petition for recount – state general election contests and ballot questions	12/16/22	EL § 12-101(d) EL § 12-103(d)		

*Light orange – primary election*

*Light yellow – General election*