

**IN THE COURT OF APPEALS OF
OF MARYLAND
(Sept. Term 2021)**

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

PETITIONERS: MISC. NO. 26

BRENDA THIAM

WAYNE HARTMAN

PATRICIA SHOEMAKER

**MOTION TO MODIFY ORDER TO EXTEND TIME FOR WITHDRAWAL OF
CERTIFICATE OF CANDIDACY**

Petitioners herein, by David K. Bowersox, their attorney, respectfully requests this Honorable Court to modify its Order, filed with the Clerk of this Court on April 14, 2022, and in support thereof represents the following;

1. This Honorable Court issued an Order and Mandate dated April 13, 2022 and filed with the Clerk on April 14, 2022 in this action and related actions in Misc. Case No's. 24, 25 and 27 which, in part, continued certain extended deadlines for certificates of candidacy for elections pursuant to Maryland Code, Election Law Article ("EL") §5-303 until Friday, April 15,

- 2022, and for the withdrawal of certificates of candidacy pursuant to EL § 5-502(a) until Monday, April 18, 2022 as established in this Court’s prior Order of March 15, 2022.
2. EL §5-502(a) provides that “an individual who has filed a certificate of candidacy may withdraw the candidacy by filing a certificate of withdrawal on the form prescribed by the State Board within 10 days after the filing date established under § 5-303 of this title.”
 3. The provisions of the April 14, 2022 Order and Mandate in these matters stating that “[t]he deadline for candidates to withdraw a certificate of candidacy ... is Monday, April 18, 2022” significantly reduces the time period for a candidate seeking to withdraw a certificate of candidacy filed prior to April 15, 2022 to three days instead of the entire 10 day period for withdrawal pursuant to EL § 5-502(a), which according to the Order’s extending the date for filing the certificate would run through April 25, 2022.
 4. Similarly, the Order and Mandate provide that the “deadline to fill a vacancy in candidacy for a primary election established pursuant to EL § 5-901 is Wednesday, April 20, 2022...”
 5. Petitioners are aware of two individuals filing certificates of candidacy for the House of Delegates between April 12 and April 15, 2022 who would now like to withdraw their certificates of candidacy and have tried to do so with the State Board of Elections on Friday, April 22, 2022, relying on the 10 day period provided by EL § 5-502(a) which was stated in their registration documentation, only to be told that the time for withdrawal had closed April 18, 2022.
 6. Petitioners submit it would be in the best interests of justice and fairness to all parties herein and to the fairness to all candidates and voters in the affected districts to modify the terms of the April 14, 2022 Order and Mandate to extend the April 18, 2022 deadline for withdrawal of certificates of candidacy through Monday, April 25, 2022 as would be the otherwise

operative deadline for withdrawal pursuant to EL § 5-502(a) and to likewise extend the shortened time for filling a vacancy in candidacy for primary election pursuant to EL § 5-901 until Wednesday, April 27, 2022.

7. The undersigned counsel for Petitioners in the within case has been in communication with counsel for Respondents, counsel for Petitioners in Misc. Case No. 25, and the Petitioners in Misc. Case No.'s 24 and 27 about the undersigned's intention to file this Motion seeking the relief requested herein and they have all advised the undersigned to represent to this Honorable Court that respondents do not object to the request.

NOW WHEREFORE, Petitioners in this action request that this Honorable Court:

- A. Modify its Order and Mandate filed herein on April 14, 2022 to extend the time for withdraw of certificates of candidacy established by EL § 5-502(a) through Monday, April 25, 2022;
- B. Modify its Order and Mandate filed herein on April 14, 2022 to extend the time to fill a vacancy in candidacy for a primary election under EL §5-901through Wednesday, April 27, 2022; and
- C. Grant such other and further relief as is necessary to effectuate the aforesaid modification.

Respectfully submitted,

/s/ David K. Bowersox

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Certificate of Service

I hereby certify that on this day of April, 2022, the foregoing Motion to Modify Order to Extend Time for Withdrawal of Certificate of Candidacy was filed and served electronically by the MDEC system or by email on all the persons entitled to service:

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