

IN THE SUPREME COURT OF MARYLAND

MARYLAND STATE BOARD
OF ELECTIONS,

*

Appellant,

*

v.

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September Term 2024

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Case No. 46

ANTHONY AMBRIDGE, *et al.*,

*

Appellees.

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**APPELLEES’ OPPOSITION TO EMERGENCY
MOTION FOR STAY PENDING APPEAL**

Appellees Anthony Ambridge, *et al.*, through undersigned counsel, Thiru Vignarajah, respectfully submit this Opposition to Appellant’s Emergency Motion seeking a stay of the Circuit Court’s injunction. Appellant (a) cannot show it is likely to prevail on appeal, (b) is asking this Court to risk injecting itself into the political fray to inform some voters (but not others) of the status of litigation, (c) has failed to provide an adequate explanation for why it was impracticable to seek a stay earlier with the Circuit Court as required by Maryland Rule 8-425, and (d) has by now caused the supposed harm by inexplicably delaying its request for a stay, since countless voters, including several Appellants, have already received their ballots. *See* Exhibit 1A-1G. For these reasons, as further set forth below, Appellees ask this Court to deny the request for a stay.

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Last Monday, using its authority under Election Law Article §§ 9-209 and 12-202, the Circuit Court for Anne Arundel County invalidated Ballot Question F on two separate and independently sufficient grounds: (1) Question F is not “easily understandable” and does not provide the “ordinary voter of average intelligence” an idea of the nature of the question upon which they are asked to vote,

and (2) Question F is unconstitutional because it is not “proper charter material” under *Cheeks v. Cedclair Corp.*, 287 Md. 595 (1980), and its progeny. Because the State Board of Elections had already started printing ballots and planned to mail them beginning on Friday, September 20, 2024, and because the Circuit Court found that a clarifying insert could not “cure” Question F’s incomprehensible language, the Court did not require the State Board to reprint ballots and instead confined its order to blocking the certification of the results of Question F.

On Friday afternoon, four days after the Circuit Court’s ruling, on the very day the State Board began mailing hundreds of thousands of ballots, the State Board moved for a stay of the lower court’s decision. Because the legal standards for a stay of enforcement and a preliminary injunction are the same, Appellant carries the burden “to prove the existence of all four factors,” that is, irreparable harm, balance of convenience, public interest, and likelihood of succeeding on the merits. *See Eastside Vend Distributors, Inc. v. Pepsi Bottling Group, Inc.*, 396 Md. 219, 240 (2005). The “failure to prove the existence of even one of the four factors will preclude . . . relief.” *Id.* Most important, to gain a stay, Appellant “must make a *strong showing* that it is likely to prevail on the merits of its appeal.” *General Motors Corp. v. Miller Buick, Inc.*, 56 Md. App. 374, 388-89 (Md. App. Ct. 1984) (emphasis in original).

A. To begin with then, Appellant cannot make a “strong showing” that it is likely to prevail on appeal. The State Board has not questioned the lower court’s substantive rulings that Question F is incoherently written and unconstitutional, either before the Circuit Court or in its request for a stay.¹ Instead, the State Board demands a stay solely on the grounds that § 9-209 petitions are limited to challenging superficial features of a ballot and that, while Appellees’ substantive challenges could have been filed under § 12-202, they were untimely in bringing those claims and thus barred by laches.

¹ The intervening parties—the Mayor and City Council of Baltimore and the developer at whose request Question F was written (*see* Exhibit 2)—will presumably address these issues in their briefing, but it is not part of Appellant’s current motion to stay.

First, with respect to § 12-202 and laches, the State Board neglects to note that the practical crunch it faced was not due to Appellees' delay but because of Maryland's laws and the City Solicitor's and State Board's own dilatory pace and inaction. Moreover, to make its argument that Appellees were late in filing their § 12-202 claims, the State Board insists that § 12-202's ten-day clock began to run on August 2, 2024, on the theory that starting that day, Appellees could have supposedly asked certain public officials and obtained a copy of a private certification letter that the City Solicitor sent to the State Board containing the proposed language of Question F.² But this line of reasoning ignores this Court's guidance in *Abrams v. Lamone*, 398 Md. 146, 159 n.18 (2007), and *Ademiluyi v. Egbuonu*, 466 Md. 80, 129-30 (2019), which stated that would-be plaintiffs cannot "bury their heads in the sand" and specified that the "level of diligence" expected of them would be that they stay apprised of "media coverage" and information on "the State Board's website." Neither of those sources reported or shared the City Solicitor's letter or the language of Question F until a month later on September 2, 2024. Appellees timely filed their § 12-202 claims within 10 days of September 2.

Second, with respect to the § 9-209 challenge, the State Board urges a strictly textualist approach and relies on *Ross v. State Board of Elections*, 387 Md. 649 (2005), a case involving a challenge to a candidate's qualifications, yet it (a) disregards the conspicuous textual difference between the separate subsections that cover certifying candidates versus certifying ballot questions, *compare* § 9-

² Included in the record before the Circuit Court were emails from Appellee Anthony Ambridge to the City Solicitor's Office and the State Attorney General's Office in the April to July 2024 time period, each asking for an opportunity to see the language of the controversial ballot question. Mr. Ambridge's emails were ignored or denied. Although Appellees did not make a request the next month (in August 2024), a reporter noted on Midday on WYPR on August 20, 2024, that she had called the Board of Elections the previous day and was denied an opportunity to review the ballot language. *See* Exhibit 3 ("I called the Board of Elections yesterday and you can't even get the language. We don't know what the referendum is going to say."), available at <https://www.wypr.org/show/midday/2024-08-20/redevelopment-of-harborplace-the-debate-continues> (at 32:34).

It should also be noted that the language of Question F was not actually finalized until September 4, 2024, after the State Board and the City Solicitor and Mayor of Baltimore corresponded in writing as to whether to include "Key" in "Key Highway." They ultimately added in "Key" on September 4. *See* Exhibits 4A-4B (correspondence between Baltimore City and the State Board).

205(2) *with* § 9-205(4), (b) overlooks the precise text of § 9-205(2), which requires the State Board to include each question that has met “all of the qualifications to appear on the ballot,” not just those set forth in § 7-102, and (c) adopts an interpretation of Title 9 that nullifies and fully erases the text of § 9-203, the section that requires each ballot to be, *inter alia*, “easily understandable” and present questions “in a fair and nondiscriminatory manner.” § 9-203(1)-(2).

Turning to the merits, it should be briefly noted that Appellees would prevail on appeal should this Court uphold *either* of the two independent grounds upon which the Circuit Court concluded that Question F was invalid. Candidly, while Appellees intend to vigorously press their argument that Question F is improper charter material and therefore unconstitutional, Appellees acknowledge this presents a complex issue of first impression. For that very reason it is difficult for any Appellant, before full briefing and argument, to meet the burden of a “strong showing” that it would prevail on an issue that lacks controlling precedent. It is also unclear, given principles of constitutional avoidance, whether the Court would need to reach the constitutional issue of whether Question F was “improper charter material.” *See Prof'l Staff Nurses Ass'n v. Dimensions Health Corp.*, 346 Md. 132, 138 (1997) (“This Court has regularly adhered to the principle that we will not reach a constitutional issue when a case can properly be disposed of on a non-constitutional ground.”).

Furthermore, the lower court’s non-constitutional reason for its decision — that the language of Question F will be hard for an ordinary voter to decode — seems beyond peradventure. Here is the full text of Question F, the meaning of which the lower court judge herself could not discern:

Question F is for the purpose of amending the provision dedicating for public park uses the portion of the city that lies along the Northwest and South Shores of the Inner Harbor, south of Pratt Street to the water’s edge, east of Light Street to the water’s edge, and north of the Key Highway to the water’s edge, from the World Trade Center around the shoreline of the Inner Harbor including Rash Field with a maximum of 4.5 acres north of an easterly extension of the south side of Conway Street plus access thereto to be used for eating places, commercial uses, multifamily residential development and offstreet parking with the areas used for multifamily dwellings and off-street parking as excluded from the area dedicated as a public park or for public benefit.

This language could be (and has been) fairly and alternatively described as “incoherent,” “confusing and misleading,” “word salad,” and “gibberish.” Colorful descriptors aside, the 132-word ballot language does not satisfy the minimum standards of reasonable clarity, accuracy, and completeness required by Maryland courts. *See Anne Arundel Co. v. McDonough*, 277 Md. 271, 308 (1976) (invalidating a ballot measure on the ground that the language presented to voters was “so inaccurate, ambiguous and obtuse, that an ordinary voter, of average intelligence, could not, in a meaningful and comprehending manner, have knowledgeably exercised his franchise when called upon to vote”); *Surratt v. Prince George’s County*, 320 Md. 439, 447 (1990) (requiring that the wording of a ballot question “must convey with reasonable clarity the actual scope and effect of the measure”).

B. The irreparable harm that Appellant claims is that some unidentifiable group of voters learned from media reports that Question F had been found invalid by a Circuit Court judge and that the results would not be certified. But that is partly because opponents of Question F (including Appellees) affirmatively engaged in political advocacy and naturally claimed a significant victory to the public. Supporters of Question F in turn, including the Mayor and a member of the City Council, promptly responded publicly to the Circuit Court’s decision by noting that they supported an appeal and believed the Supreme Court would reverse the lower court’s decision. *See* Lee Sanderlin, Judge blocks ballot question to allow Inner Harbor redevelopment (BALT. SUN, Sept. 16, 2024) (“Mayor Brandon Scott’s office said through a spokesperson that the administration expects the state to appeal and is confident the Supreme Court will reverse Vitale.”); Exhibit 5 (Statement by Councilman Eric Costello (“I condemn in the strongest possible way the decision of the Anne Arundel County courts . . . I hope the State Board of Elections and the City Solicitor immediately appeal to protect our legislative integrity.”)).

In the context of this dynamic political exchange, the irreparable harm posited by Appellant depends on voters only hearing one part of the news cycle and not the other. Whether that is true or

not, it is not the job of this Court — or a proper use of a stay — to level or tilt the political balance. Informed voters know that the Circuit Court ruled that Question F is invalid and also that the State Board of Elections, the Mayor and City Council, and the developer have appealed the decision to the Maryland Supreme Court. To suggest there is some irreparable harm that could be mitigated by a stay of the lower court’s decision is to improperly insert the Supreme Court into questions of political messaging and lobbying by both sides.

Indeed, the back-and-forth of last week’s news cycle is not the product of the Circuit Court’s order enjoining the certification of the results of Question F, which technically cannot take effect until after the November election — rather, it is the result of political jockeying and media interest with respect to a hotly-contested ballot measure. As a practical matter, Appellant is essentially asking this Court to provide a stay so that allies of Question F can advertise that the Supreme Court’s review is underway. That is the province and responsibility of lobbyists and the political branches — it is not the duty of courts. *Cf. Jones v. Anne Arundel Cnty.*, 432 Md. 386, 397 (2013) (urging under “political question doctrine” that courts refrain from “inappropriate interference in the business of” the political branches of government (internal citations omitted)).

Furthermore, while the Circuit Court issued its injunction last Monday, the State Board inexplicably waited until the end of the week, in fact, the very day it was mailing out countless absentee ballots, to request a stay. Numerous voters, including several Appellants, received their ballots in the mail yesterday and today. *See* Exhibit 1A-1G. For the Court to now issue a stay that political supporters of Question F could then trumpet and promote would not, at this point, prevent the asserted irreparable harm; it would only confuse voters, depending on the media’s coverage and spin from both sides, as to what voters should or should not do. If the State Board is concerned that voters may skip Question F because of publicity last week reporting the Circuit Court’s decision, it is free, along with the Mayor, City Council, and the intervening developer, to spread the word that an appeal is

underway and that the Supreme Court will hear argument in this case on October 7 and, presumably, issue a final ruling soon thereafter. It is not the duty of this Court to supply Question F’s sponsors with a press bulletin so they can counteract political advocacy and press reports from last week. To do so would not prevent irreparable harm; it would only inject further confusion and prompt another round of dueling press statements by both sides.

C. Finally, there is one last, albeit more technical reason, why this Court should not grant Appellant’s request for a stay. First, Maryland Rule 8-425(b), which governs requests for injunctions pending appeal, states that a party “shall file a motion in the circuit court requesting relief pursuant to Rule 2-632 [“Stay of Enforcement”] before requesting relief from the appellate court.” Rule 8-425(c) authorizes a party to file a motion in the Supreme Court where “a motion under Rule 2-632 is not practicable or such a motion was denied by the circuit court or not ruled upon within a reasonable time.” Rule 8-425(c) adds: “The motion shall include the reason why it is impracticable to seek the relief in the circuit court or, if a motion seeking the relief was considered by the circuit court, any reason given by that court for denying or not affording the relief.”

In this case, Appellant filed a motion seeking a stay on Friday at 12:25 PM and filed its motion with the Maryland Supreme Court at 3:56 PM. Appellant did not include a reason in the instant filing as to why it was not practicable to ask the Circuit Court for a stay of enforcement earlier in the week, nor is it fair to suggest that the Circuit Court did not rule upon the motion “within a reasonable time” before Appellant filed its motion with the Supreme Court. Appellant instead wrote in its filing to this Court, “[a]s of the filing of this request, the circuit court has not yet ruled on the request,” neglecting to mention that it had only been 3½ hours since it submitted its motion to the Circuit Court.

For these reasons, this Court should deny Appellant’s motion for a stay pending appeal.

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Because Appellant’s likelihood of prevailing on the merits is not only a prerequisite for obtaining a stay, but also the most significant consideration, Appellees include in this Opposition a more detailed recitation of the arguments presented to the Circuit Court, which make clear why Appellant cannot “make a *strong showing* that it is likely to prevail on the merits of its appeal.” *General Motors Corp.*, 56 Md. App., at 388-89. In *General Motors Corp.*, the appellate court supplied guidance on this critical factor:

[A]s with the question of any stay of judgment pending an appeal, they look to the situation then at hand. It is no longer a question, for example, of whether the applicant will prevail on the merits at trial, for he has already lost at that level. The question is whether it is likely that he will prevail on appeal. Indeed, the would-be appellant must make a “*strong showing* that it is likely to prevail on the merits of its appeal” That, of course, is tantamount, in most cases, to proving the likelihood that the trial judge committed some reversible error.

Id. Thus, in addition to the balance of equities and lack of irreparable harm discussed above, the inability alone of Appellant to establish a strong showing that it will likely prevail on the merits should preclude this Court from granting a stay. The discussion below is meant to make clear why the Circuit Court was right to allow Appellees’ challenges to proceed under both §§ 12-202 and 9-209.

Claims under § 12-202

Appellant does not dispute that both of the Circuit Court’s grounds for decision could have been asserted under § 12-202. It simply insists that Appellees engaged in undue delay, that their claims were untimely, and therefore that the doctrine of laches bars them from prevailing on appeal. As set forth below, for this Court to overrule the lower court’s decision, it would need to rescind its clear guidance to voters in *Abrams v. Lamone* and *Ademiluyi v. Egbuonu* as to what sources voters needed to consult to avoid “burying their heads in the sand.” For this reason among others, Appellant cannot establish a likelihood of prevailing on appeal.

Under Maryland law, “the doctrine of laches is applicable in situations where a party unreasonably delays an assertion of his or her rights that prejudices an opposing party.” *See Ademiluyi*

v. Egbuonu, 466 Md. 80, 124 (2019). The Circuit Court correctly found that there was no “unreasonable delay” in the filing of this action, a prerequisite for the application of laches, when Petitioners proceeded as swiftly as they could and within both the prescribed ten-day and two-day timetables set by Maryland law under §§ 12-202 and 9-209, respectively. That is especially true when members of the public were actively seeking and awaiting publication of the proposed ballot language and for four months had affirmatively made their interest known to both the City Solicitor’s Office and counsel to the State Board of Elections, and no one from either office advised those individuals, the media, or the public that they could obtain the ballot language as early as August 2.

1. No Unreasonable Delay. The collapsing window for judicial review was not due to delay by Petitioners but rather was the result of Maryland’s statutes, on the one hand, and decisions by the Baltimore City Solicitor and the State Board of Elections, on the other, to wait until the very last day of their respective statutory deadlines to take the actions that give rise to this petition.

Specifically, although it could have acted months earlier, Baltimore’s Office of the City Solicitor waited until the very last day allowed by statute (August 2, 2024) to certify and privately relay the language of Question F to the State Board of Elections. *See* ELA § 7-103(c)(3) (requiring the City Solicitor to prepare and certify “a condensed statement of the purpose of the question” by the 95th day before the General Election, *i.e.*, August 2).

In fact, the City Solicitor’s Office waited until the last moment to send its certification letter even after receiving earlier demands in writing from members of the public to review the language of a ballot question that concerned one of the most consequential and controversial charter amendments in decades. *See, e.g.*, Exhibit 6 (Email correspondence from Petitioner Anthony Ambridge to City Solicitor in April 2024 and May 2024 and to the Attorney General’s Office in July 2024). For its part, the State Board of Elections certified and publicly displayed ballots for Baltimore City, including Question F, on the eve of the last day it was permitted to do so, September 2, 2024. *See* ELA § 9-

207(a). That day was the first time the public saw the language of Question F.

The Circuit Court's conclusion that there was no undue delay by Appellees was bolstered by the fact that Appellee Anthony Ambridge, who previously served as a member of the Baltimore City Council, wrote to the Office of the City Solicitor as early as April 19, 2024. Only after sending a follow-up email on May 13 did that Office respond to Mr. Ambridge's request to review and provide input on the ballot language: "As I expected, the answer is no. There will be no input from any group or individual other than those required by the law. The Law Department will comply with the requirements of the various court decisions concerning on [sic] the content and drafting of the ballot question." *See* Exhibit 6. Later, on July 16 and July 18, Mr. Ambridge sent emails to the Attorney General's Office where he urged the Attorney General "to review that as put forth and edit as appropriate to reflect the actual meaning of the issue." *See* Exhibit 6. He said:

There is a group of concerned Baltimore City Residents of which I am a member, who have great concern about this proposed change to our City Charter. Our immediate interest now is to assure the language as presented to our Citizens represents the true meaning of this proposal. As such, we, or a representative would like to review it, in a timely fashion, with you, before it is sent to State Board of Elections for Certification, and with ample time to suggest changes to same.

The former councilman could not have been clearer in expressing his concern. The record before the Circuit Court also reflected that Mr. Ambridge was one of many registered city voters who were anxious to review the ballot language. *See* Exhibit 7 (Affidavit of Anthony Ambridge) (describing posts on a public Facebook group focused on the Harborplace controversy with 1100 members who as late as mid-August were actively and publicly questioning when they might see the ballot language).

Against this backdrop, it was not just that the City Solicitor and State Board waited to execute their duties on the day of their respective deadlines. They also did nothing earlier than September 2, 2024, to make the public aware of the proposed language despite knowing there were numerous concerned citizens anxious to read and review it.

Put simply, nothing stopped the City Solicitor from transmitting its certification well before

August 2, or from releasing the proposed language to the media or publishing it on the City’s website, or from sending the language of Question F to interested voters like Mr. Ambridge on August 2, since it was — according to the State Board — available to the public at that time. Likewise, nothing prevented the State Board of Elections from publishing the proposed language from the City Solicitor on its website before September 2, or from certifying the election ballot before the day of its deadline, or from providing a copy of the proposed language to interested parties like the former councilman who had expressly asked to review the language “in a timely fashion” as late as July 2024. *See* Exhibit 6A. Had either the City Solicitor or the State Board taken any of these steps, the clock on filing a challenge may have started earlier and the chaotic scenario of printing and mailing ballots with litigation overhead may have been avoided. But that was deliberate inaction by the City Solicitor and State Board. Under these circumstances, the Circuit Court properly rejected Appellant’s assertion of laches. Appellant and Baltimore City compounded the compressed timeline by publishing the language of Question F on the last possible day and by neglecting to share the ballot language any earlier through their websites or with the media or to a concerned citizen is as ironic as it is unavailing.

2. No “Burying Their Heads in the Sand.” The thrust of the State Board’s position has been that it did not substantively review the language of Question F and that the act to which Petitioners object is the City Solicitor’s formulation of that ballot question, which was certified on August 2, 2024 and memorialized in the City’s certification letter to the State Board. But Question F’s language did not become known to Petitioners until September 2, 2024, when it was posted on the State Board’s website. The Board nevertheless claimed that Petitioners’ demand for judicial relief under § 12-202 was untimely because, even though Question F had not been released to the public, it was available to the public to anyone who asked for it. The Circuit Court correctly rejected this line of reasoning.

The State Board makes its argument without mentioning that the Maryland Supreme Court provided clear and constructive guidance in two cases, *Abrams* and *Ademiluyi*, on how to evaluate

whether Petitioners operated with adequate diligence in terms of staying aware of relevant developments. In *Abrams*, the Court explained that a registered voter seeking to bring a challenge under § 12-202 has an “obligation” to “keep informed” of “relevant acts and omissions,” and that a voter “may not simply bury his or her head in the sand and, thereby, avoid the triggering of the 10-day statutory time period, prescribed by § 12-202, in which to ‘seek judicial review from any act or omission relating to an election.’” *Abrams*, 398 Md. at 159 n.18. The Court then provided guidance on what is expected of a diligent voter: “The State Board’s website, along with media coverage, would have been the principal places from which *Abrams* would have been able to find information pertaining to Perez’s candidacy. It was incumbent upon *Abrams* to avail himself of these sources.” *Id.*

In *Ademiluyi*, the Court adopted and applied this standard and concluded that Appellees were not dilatory in filing their § 12-202 action because “there was little or no media attention” surrounding the information that was the basis of their challenge. *Ademiluyi*, 466 Md. at 130. In that case, Appellees first learned of the relevant information by filing an MPIA request and brought the suit soon after they received the results. Importantly, the § 12-202 clock did not begin to run from the earliest point at which the State had the information that voters obtained through MPIA, but rather from the point that the information became known to them.

Appellant cannot make a “strong showing” that it will prevail on appeal because *Abrams* and *Ademiluyi* appear to conclusively establish that Appellees’ demand for judicial relief was timely. It is undisputed that the State Board’s website did not display Question F or the City Solicitor’s letter until the evening of Labor Day (September 2, 2024). It is undisputed that, prior to September 2, 2024, the ballot language and the City Solicitor’s certification received “little to no media attention.” Consequently, Appellees did not fail to avail themselves of the sources the Maryland Supreme Court has expected voters to consult.

It should be emphasized that, if anything, Appellees did the opposite of “bury [their] head[s] in the sand.” As described above, the Circuit Court record contains evidence that Mr. Ambridge sent email inquiries about the language of Question F as early as April 16, 2024 (to the City Solicitor’s Office) and as late as July 16, 2024 (to Counsel to the State Board at the Attorney General’s Office). *See* Exhibits 6 & 6A. In fact, there were active and public discussions among Petitioners and others questioning when the ballot language would be public well into August 2024.

Furthermore, Petitioners and the public can be forgiven for believing that the earliest they would be entitled to see the language was around September 2, 2024. After all, § 7-105 (Publication of Questions) states: “The complete text of a question shall be posted or available for public inspection in the office of the State Board and each applicable local board for 65 days prior to the general election.” That day fell on Sunday, September 1, 2024, which meant the text of the questions would not be available until Tuesday, September 3 — (Monday was Labor Day) — in the physical offices of the State and Baltimore City Boards of Election. Similarly, § 9-207 (Ballots — Certification; Display; Printing) states: “The State Board shall certify and publicly display the content and arrangement of each ballot . . . for a general election, at least 64 days before the election.” That was September 2, 2024, the evening of which is when Petitioners and the public got their first glimpse of Question F. They filed suit under § 12-202 less than a week later.

Claim under § 9-209

To be clear, because both of Appellees’ claims that Question F is unconstitutional and incoherent could be brought under § 12-202 (by the State Board’s own admission), if this Court is satisfied that Appellees’ § 12-202 claims are timely, it need not consider whether § 9-209 provides an alternative avenue for purposes of denying Appellant’s request for a stay. For the sake of completeness, however, Appellees set forth why the Circuit Court’s analysis of the Appellees’ § 9-209 claim also cannot and should not be disturbed.

In its Order, the Circuit Court for Anne Arundel County explained:

Upon a plain reading of the Election Law Article and applying the standard promulgated in *Stop Slots*, the Court finds that the formulation of Question “F” is not easily understandable and does not fairly apprise voters of the nature of the question on which they are voting. As such, Question “F” fails to meet “all the qualifications to appear on the ballot” under § 9-205(2), properly read in conjunction with the ballot requirements set forth in § 9-203, and pursuant to § 7-103(b).

The Circuit Court has thus endorsed Appellees’ interpretation of Title 9 which informs the permissible scope of a petition for judicial review under § 9-209. The State Board’s contrary view requires an interpretation that overlooks much of the text of the laws at issue.

First, to sustain its artificially narrow interpretation of § 9-209 petitions, the State Board requires one to flatly ignore the difference in words between § 9-205(4), which is the provision governing candidates — at issue in *Ross v. State Board of Elections* — and § 9-205(2), which is the provision for ballot questions, and is written very differently. Compare the two side by side:

Section 9-205 (Content)

Each ballot shall contain:

- (2) a statement of each question that has met all of the qualifications to appear on the ballot
- (4) the name . . . of each candidate who has been certified by the State Board

Subsection (4) merely requires the State Board to confirm whether the candidate has been certified. But subsection (2) states that a ballot should include questions that have met “all of the qualifications to appear on the ballot.” This conspicuous textual difference explains why *Ross* does not bear on the scope of § 9-209 challenges to ballot questions rather than challenges to candidates.

The State Board was correct to point out that “the Supreme Court in *Ross* concluded that the plain language of § 9-209 ‘does not provide a vehicle for a registered voter to challenge the candidate’s underlying eligibility as determined by the State Board.’” But Appellant’s logic collapsed when it previously claimed that “*Ross* controls petitioners’ current effort to substantively challenge the qualification and certification of a charter amendment question” and that it “makes no material

difference that Ross decided a challenge to candidacy.” *Id.* at 14. That argument may have survived if the text of § 9-205(2) and 9-205(4) were identical. Thus, if § 9-205(2) echoed § 9-205(4) and simply said — “Each ballot shall contain a statement of each question that has been certified by the State Board” or “Each ballot shall contain a statement of each question that has qualified under § 7-102” or “Each ballot shall contain a statement of each question that has been submitted by the County attorney (or City Solicitor)” — then the State Board would have had a point. But § 9-205(2) is visibly different, requiring that “Each ballot shall include a statement of each question that has met all of the qualifications to appear on the ballot.”

Conversely, if § 9-205(4) said “Each ballot shall contain the name . . . of each candidate who has met all of the qualifications to appear on the ballot,” *Ross* would presumably have reached a different conclusion. After all, *Ross* acknowledges that a voter could use § 9-209 to “contest the inclusion of the name of a candidate who is not certified by the State Board or the exclusion of the name of one who is certified.” *Ross*, 387 Md. at 667. So, there is no dispute that § 9-209 can be used to ensure that the State Board complied with the requirements of § 9-205 — it is just that the requirement for the Board to include a candidate is simple: is the candidate certified by the State Board? By comparison, based upon the text of § 9-205(2), the requirement for the Board to include a ballot question is different: does the question meet “all of the qualifications to appear on the ballot”? After all, as the Supreme Court of Maryland has long advised, “when a legislature uses different words, especially in the same section or in a part of the statute that deals with the same subject, it usually intends different things.” *Toler v. Motor Vehicle Administration*, 373 Md. 214, 223 (Md. 2003).

Second, Appellant’s argument overlooks the precise text of § 9-205, which directs the Board to include each question that has met “all of the qualifications to appear on the ballot,” not just those set forth in § 7-102. If the General Assembly intended only for the State Board to check whether the question had qualified under § 7-102, it would have said just that, not that the question must meet “all

of the qualifications to appear on the ballot.” After all, the legislature is perfectly capable of cross-referencing other sections and even other titles. In fact, § 9-205(1) makes a reference to § 9-206(a), and § 9-205(4) makes a reference to Title 5 of the Election Law Article. Given the presence of cross-references in subsections immediately preceding and following the subsection in question, it would be odd for the legislature not to have simply said “each question that is qualified under Title 7 of this article” if that is the only qualification it meant.

The *Ross* Court itself reiterated a relevant canon of interpretation that further undermines the State Board’s position: “We will neither add nor delete words to a clear and unambiguous statute to give it a meaning not reflected by the words the Legislature used or engage in a forced or subtle interpretation in an attempt to extend or limit the statute’s meaning.” *Ross*, 387 Md. at 662 (citation and internal quotation marks omitted). Yet, that is exactly what the State Board would need this Court to do should it consider overruling the Circuit Court’s interpretation: it would need to delete “all of the” from “all of the qualifications” and add “under Title 7” to alter the statute’s meaning and to narrow which qualifications need to be met. *Ross* also affirmed the rule of construction that “[w]hen interpreting the language of a statute, we assign the words their ordinary and natural meaning.” *Id.*, at 662. Black’s Law Dictionary defines “qualification” as “the possession of qualities or properties . . . inherently or legally necessary to make one eligible for a position or office.” BLACK’S LAW DICTIONARY (12th ed. 2024). Merriam-Webster defines “qualification” as “a condition or standard that must be complied with (as for the attainment of a privilege).” *See* Merriam-Webster Dictionary (last visited online on September 15, 2024).

Of course, Title 7 is not the only place that presents qualities or “standard[s] that must be complied with” in order “to appear on the ballot.” In fact, there are additional standards set forth in § 9-203 (a section titled “Standards”) that must be satisfied, including that the ballot be “easily understandable” and that questions be presented in a “fair and nondiscriminatory manner.” § 9-203.

Where a literal dictionary definition of “qualification” is a “standard that must be complied with,” and § 9-203 establishes “Standards” including that questions be presented in a “fair and nondiscriminatory manner” and be “easily understandable,” it would be baffling to decide that “all of the qualifications” does not include the requirements set forth in § 9-203. Thus, if a question must meet “all of the qualifications,” there can be no justification for ignoring a set of “standards” presented in the very same title of the Maryland Code.

Finally, and perhaps most problematic, the State Board’s argument to the Circuit Court and to this Court would effectively remove § 9-203 from the statute because if the Board is not required to consider and enforce these standards in certifying questions, then no one is. After all, the City Solicitor’s certification only requires it to confirm that the amendment was proposed by the passage of a resolution. This is confirmed by the City Solicitor’s certification letter, which states only that “the question set forth in the attached certified copy of the Resolution . . . is of local concern to the people of Baltimore City and is to be submitted for their vote for approval.” If that is all the City must certify, and if the State Board is not expected to confirm that questions are easily understood and presented in a fair manner consistent with § 9-203, the end result is that no one is responsible for ensuring that ballot language is “easily understandable” and presented in a “fair manner.” That too is untenable because it would turn into a nullity an entire section of the Maryland Code (§ 9-203).

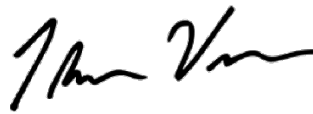
Thus, the State Board purports to embrace a textualist interpretation only to disregard material differences in the text of parallel subsections (§§ 9-205(2) versus 9-205(4)), ignore certain words altogether (“all of the...”), constrict the meaning of a key word (“qualification”) in conflict with the dictionary definition, and delete as a practical matter the words of an entire section (§ 9-203). It is indeed the text of the Election Law Article that should guide the Court. But that text makes clear that a ballot question—unlike a candidate—must satisfy basic standards to appear on the ballot. Those are

not limited to a single qualification in § 7-102, but include qualifications contained in § 9-203, which requires ballots to be easily understandable and presented in a fair and non-discriminatory manner.

* * * * *

For the reasons set forth above, Appellees respectfully ask this Court to deny Appellant's belated request for a stay, avoid injecting additional confusion into an already vigorous political debate, and enable this Court to resolve this matter conclusively in two weeks.

Respectfully submitted,

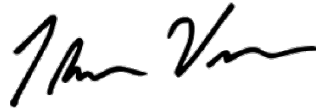


THIRUVENDRAN VIGNARAJAH

Client Protection Fund No. 0812180249
211 Wendover Road
Baltimore, MD 21218
Thiru@JusticeForBaltimore.com
(410) 456-7552

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 24th day of September 2024, a copy of the foregoing was delivered, via MDEC, to counsel of record for all parties.



THIRUVENDRAN VIGNARAJAH

Voter's oath

Under penalty of perjury, I hereby swear (or affirm) that

- I am qualified to vote in the election and that I have not voted and do not intend to vote elsewhere in this election.
- I voted the enclosed ballot and mailed or delivered it **on or before election day.**

Warning

Any person who is convicted of violating the voting laws is subject to a fine of up to \$1,000, to imprisonment of up to two years, or both.

If you have a disability or cannot read or write, someone can help you mark your ballot and sign this oath. The person helping you must:

- complete the Certification of Person Assisting Voter form
- place it in this envelope

If you cannot sign the oath, the person helping you must print your name on the Signature line below and write his or her initials after your name, and may leave the "Printed Name of Voter" line blank.

Voter, sign oath here.

X	
---	--

Today's Date (MM/DD/YY) _____

Print name _____

LAUREN BROWN



759662705 501719985 ABVT 02003

BLC

Question E
Charter Amendment
Baltimore City Police Department

Question E is for the purpose of establishing the Baltimore City Police Department as an agency of the Mayor and City Council of Baltimore. The Police Commissioner is established as the head of the Department and is appointed by the Mayor subject to confirmation under Art. IV, Sec. 6 (a) of the Charter. The Commissioner's powers are enumerated and include determining and establishing the form and organization of the Department; assigning staff and resources, instituting systems for evaluations of members and setting policy with respect to the general operations of the Department.

The purpose and powers of the Department are also determined. The Department shall have the duty to preserve the peace, detect and prevent crime, enforce the laws of the State and the Mayor and City Council of Baltimore as well as apprehend and arrest individuals who violate or are lawfully accused of violating the law. The Department will preserve the order at public places but must discharge its duties and responsibilities with dignity and in a manner that will inspire public confidence and respect.

The duties of police officers are also established and the procedure for the creation of police districts is established.

- For the Charter Amendment
- Against the Charter Amendment

Question F
Charter Amendment
Inner Harbor Park

Question F is for the purpose of amending the provision dedicating for public park uses the portion of the city that lies along the Northwest and South Shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge, and north of the Key Highway to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor including Rash Field with a maximum of 4.5 acres north of an easterly extension of the south side of Conway Street plus access thereto to be used for eating places, commercial uses, multifamily residential development and off-street parking with the areas used for multifamily dwellings and off-street parking as excluded from the area dedicated as a public park or for public benefit.

- For the Charter Amendment
- Against the Charter Amendment

Question G
Charter Amendment
Community Reinvestment and
Reparations Fund

Question G is for the purpose establishing a continuing, non-lapsing Community Reinvestment and Reparations Fund, to be used exclusively to support the work of the Community Reinvestment and Reparations Commission to the extent that the work of the commission is within the scope of the use limitations in § 1-322 {"Community Reinvestment and Repair"} of the State Alcoholic Beverage and Cannabis Article. The Mayor and City Council are authorized, by ordinance, to provide for the oversight, governance, and administration of the Fund.

- For the Charter Amendment
- Against the Charter Amendment

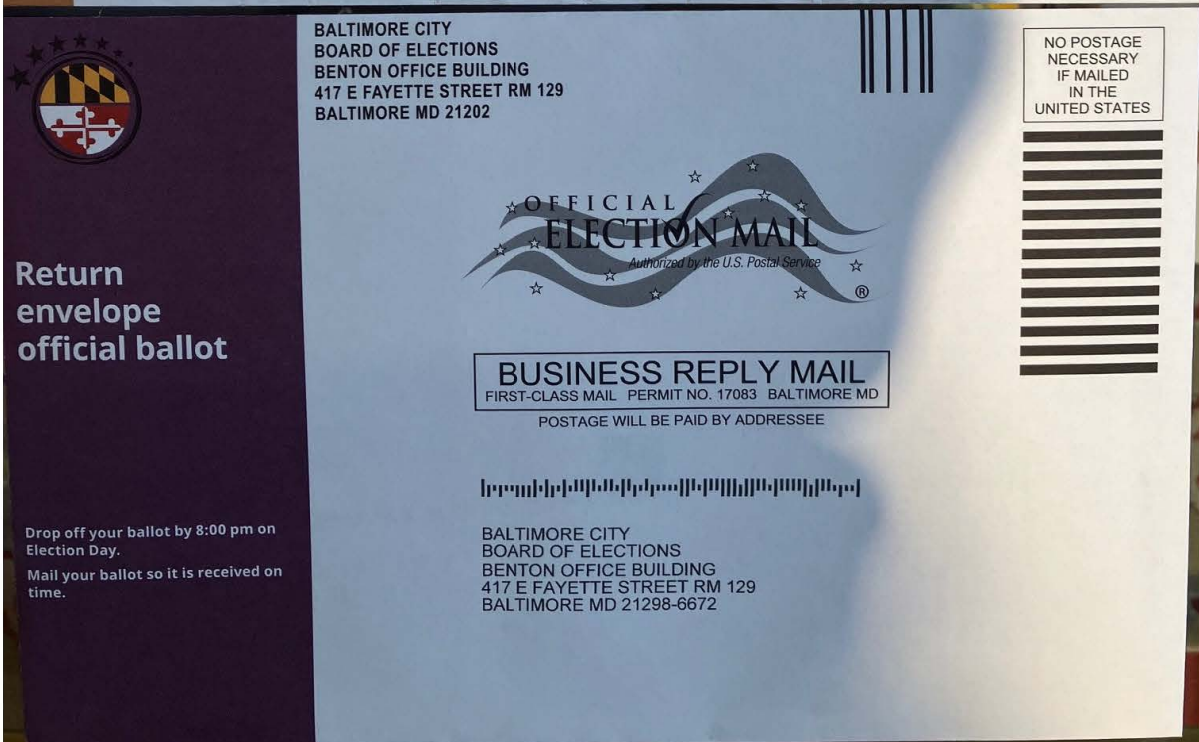
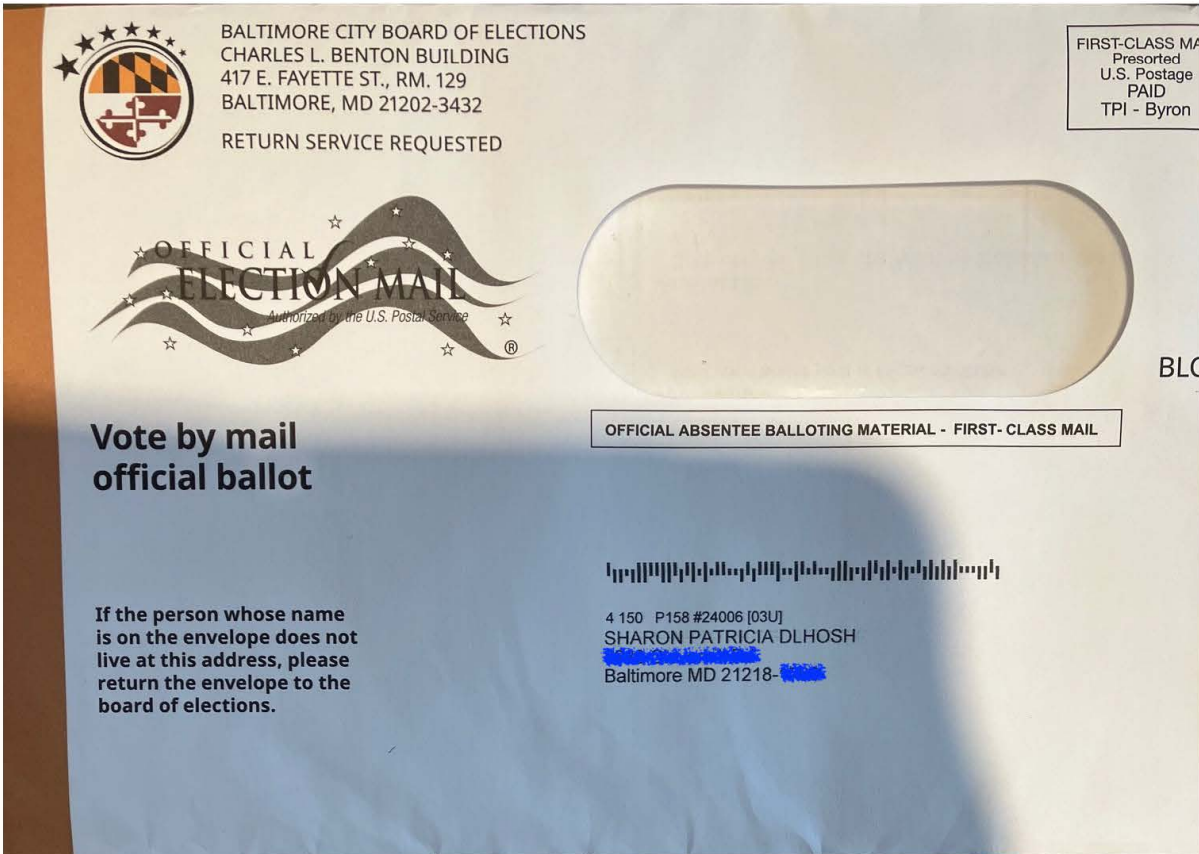
Question H
Charter Amendment via Local Petition
Reducing the Size of the City Council

Question H is for the purpose of amending Art. III, Sections 2 and 7 of the Charter to reduce the number of Baltimore City Council districts from 14 to 8. If the number of City Council districts is modified by an approved Charter amendment, the Mayor shall prepare a plan for Council redistricting based on the most recent census. The Mayor shall present the plan to the City Council not later than the first day of February of the first municipal election year following the approval of the Charter amendment.

- For the Charter Amendment
- Against the Charter Amendment

End of Ballot





confidence and respect.

The duties of police officers are also established and the procedure for the creation of police districts is established.

- For the Charter Amendment
- Against the Charter Amendment

**Question F
Charter Amendment
Inner Harbor Park**

Question F is for the purpose of amending the provision dedicating for public park uses the portion of the city that lies along the Northwest and South Shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge, and north of the Key Highway to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor including Rash Field with a maximum of 4.5 acres north of an easterly extension of the south side of Conway Street plus access thereto to be used for eating places, commercial uses, multifamily residential development and off-street parking with the areas used for multifamily dwellings and off-street parking as excluded from the area dedicated as a public park or for public benefit.

- For the Charter Amendment
- Against the Charter Amendment

Council districts is modified by an approved Charter amendment, the Mayor shall prepare a plan for Council redistricting based on the most recent census. The Mayor shall present the plan to the City Council not later than the first day of February of the first municipal election year following the approval of the Charter amendment.

- For the Charter Amendment
- Against the Charter Amendment

End of Ballot



Exhibit 1C

...perform its duties and responsibilities with dignity and in a manner that will inspire public confidence and respect.

The duties of police officers are also established and the procedure for the creation of police districts is established.

- For the Charter Amendment
- Against the Charter Amendment

Question F
Charter Amendment
Inner Harbor Park

Question F is for the purpose of amending the provision dedicating for public park uses the portion of the city that lies along the Northwest and South Shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge, and north of the Key Highway to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor including Rash Field with a maximum of 4.5 acres north of an easterly extension of the south side of Conway Street plus access thereto to be used for eating places, commercial uses, multifamily residential development and off-street parking with the areas used for multifamily dwellings and off-street parking as excluded from the area dedicated as a public park or for public benefit.

- For the Charter Amendment
- Against the Charter Amendment


Question H is for the purpose of amending Art. III, Sections 2 and 7 of the Charter to reduce the number of Baltimore City Council districts from 14 to 8. If the number of City Council districts is modified by an approved Charter amendment, the Mayor shall prepare a plan for Council redistricting based on the most recent census. The Mayor shall present the plan to the City Council not later than the first day of February of the first municipal election year following the approval of the Charter amendment.

- For the Charter Amendment
- Against the Charter Amendment


How to use your ballot inside your envelope?
The envelope flap at the top and bottom?

↑

BLC



759629712 1071642 ABVT 02001



MD270001030000000000004000

Did you sign the oath?

Exhibit 1D

...es, City buildings
...related land property

Voter's oath
Under penalty of perjury, I hereby swear (or affirm) that

- I am qualified to vote in the election and that I have not voted and do not intend to vote elsewhere in this election.
- I voted the enclosed ballot and mailed or delivered it on or before election day.

Warning
Any person who is convicted of violating the voting laws is subject to a fine of up to \$1,000, to imprisonment of up to two years, or both.

If you have a disability or cannot read or write, someone can help you mark your ballot and sign this oath. The person helping you must:

- complete the Certification of Person Assisting Voter form
- place it in this envelope

If you cannot sign the oath, the person helping you must print your name on the Signature line below and write his or her initials after your name, and may leave the "Printed Name of Voter" line blank.

Voter, sign oath here.

X

Today's Date (MM/DD/YY) _____

Print name _____

ELLEN BETH MEYER

BLC



759645296 4589180 ABVT 11003

of police districts is established.

For the Charter Amendment

Against the Charter Amendment

Question F
Charter Amendment
Inner Harbor Park

Question F is for the purpose of amending the provision dedicating for public park uses the portion of the city that lies along the Northwest and South Shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge, and north of the Key Highway to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor including Rash Field with a maximum of 4.5 acres north of an easterly extension of the south side of Conway Street plus access thereto to be used for eating places, commercial uses, multifamily residential development and off-street parking with the areas used for multifamily dwellings and off-street parking as excluded from the area dedicated as a public park or for public benefit.

For the Charter Amendment

Against the Charter Amendment

the plan to the City
first day of Februa
election year follow
Charter amendme

For the Chart

Against the C

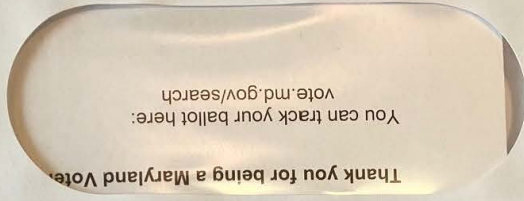
Exhibit 1F



BALTIMORE CITY BOARD OF ELECTIONS
CHARLES L. BENTON BUILDING
417 E. FAYETTE ST., RM. 129
BALTIMORE, MD 21202-3432

RETURN SERVICE REQUESTED

FIRST-CLASS MAIL
Presorted
U.S. Postage
PAID
TPI - Byron

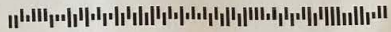


BLC

**Vote by mail
official ballot**

OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST-CLASS MAIL

If the person whose name is on the envelope does not live at this address, please return the envelope to the board of elections.



4 150 P158 #24005 [03U]

[Redacted address line]
Baltimore MD 21218-



**Return
envelope
official ballot**

Drop off your ballot by 8:00 pm on Election Day.
Mail your ballot so it is received on time.

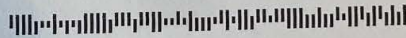
BALTIMORE CITY
BOARD OF ELECTIONS
BENTON OFFICE BUILDING
417 E FAYETTE STREET RM 129
BALTIMORE MD 21202



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 17083 BALTIMORE MD
POSTAGE WILL BE PAID BY ADDRESSEE



BALTIMORE CITY
BOARD OF ELECTIONS
BENTON OFFICE BUILDING
417 E FAYETTE STREET RM 129
BALTIMORE MD 21298-6672

Exhibit 1G

Voter's oath
Under penalty of perjury, I hereby swear (or affirm) that

- I am qualified to vote in the election and that I have not voted and do not intend to vote elsewhere in this election.
- I voted the enclosed ballot and mailed or delivered it on or before election day.

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Voter, sign oath here.

Today's Date (MM/DD/YY) _____

Print name _____

BLC


759645260 4559911 ABVT 11003

For the Charter Amendment

Against the Charter Amendment

Question F
Charter Amendment
Inner Harbor Park

Question F is for the purpose of amending the provision dedicating for public park uses the portion of the city that lies along the Northwest and South Shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge, and north of the Key Highway to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor including Rash Field with a maximum of 4.5 acres north of an easterly extension of the south side of Conway Street plus access thereto to be used for eating places, commercial uses, multifamily residential development and off-street parking with the areas used for multifamily dwellings and off-street parking as excluded from the area dedicated as a public park or for public benefit.

For the Charter Amendment

Against the Charter Amendment

the plan first day election Charter

For t

Agair

Exhibit 2

CITY OF BALTIMORE
ORDINANCE **24-318**
Council Bill 23-0444

Introduced by: Councilmember Costello and President Mosby

At the request of: MCB HP Baltimore, LLC

Address: c/o Caroline Hecker, Esq.

Rosenberg Martin Greenberg, LLP

25 South Charles St., Suite 21st Fl, Baltimore, Maryland 21201

Telephone: (410) 727-6600

Committee Report: Favorable, as amended

Council action: Adopted

Read second time: February 26, 2024

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

Charter Amendment – Inner Harbor Park

FOR the purpose of amending the provision dedicating for public park uses the portion of the City that lies along the north west and south shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge, and north of Key Highway to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor and including Rash Field to permit multifamily residential development and off-street parking within the dedicated boundaries of Inner Harbor Park; Park, but making clear that areas used for multi-family dwellings and off-street parking are not part of the area dedicated as park land for public benefit; and submitting this amendment to the qualified voters of the City for adoption or rejection.

BY proposing to repeal and re-ordain, with amendments
Article I - General Provisions
Section 9
Baltimore City Charter
(1996 Edition)

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Charter of Baltimore City is proposed to be amended to read as follows:

Charter of Baltimore City

Article I. General Provisions

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

Exhibit 3

<https://www.wypr.org/show/midday/2024-08-20/redevelopment-of-harborplace-the-debate-continues>

WYPR 88.1 FM

Redevelopment of Harborplace, the debate continues

By [Melody Simmons](#), [Tom Hall](#), [Teria Rogers](#), [Sam Bermas-Dawes](#)

Published August 20, 2024 at 12:02 PM EDT



At 32:34, **Melody Simmons**, guest host for *Midday* and reporter for the *Baltimore Business Journal* states:

“I called the Board of Elections yesterday [8/19/2024] and you can’t even get the language. We don’t know what the referendum is going to say.”

At 35:09 Ted Rouse, son of original Harborplace developer, James Rouse, says, ***“My concern is about the language...”***

Melody Simmons replies, ***“We don’t know yet.”***

CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
EBONY THOMPSON, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

September 3, 2024

Sent Via Email

Jared DeMarinis
Maryland Administrator of Elections
151 West Street, Suite 200
Annapolis, MD 21401

RE: Baltimore City Charter Amendment—Inner Harbor Park - Question F

Director DeMarinis:

It has come to our attention that the State Board of Elections sought clarity about the ballot language pertaining to Baltimore City Charter Amendment relating to the Inner Harbor Park (Question F). In the language that was submitted by the City's Law Department, the boundaries of the applicable land were described as follows:

...the portion of the city that lies along the Northwest and South Shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge, and ***north of the highway*** to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor including Rash Field. (Emphasis added).

The language omits the word "Key" prior to highway, and instead describes it as "the Highway". To be clear, this was not intended to change the meaning of the original Resolution, which describes the highway as "Key highway". The language that the City's Law Department submitted was intended to simplify the Resolution so that it would be easier for voters to understand. Indeed, there is no other highway that the Resolution could refer to. However, in an abundance of caution, the City Solicitor's office wants to make clear to the State Board of Elections as well as the Baltimore City Board of Elections that "highway" in that sentence refers to Key Highway.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Stephen Salsbury".

Stephen Salsbury
Deputy Solicitor, Department of Law

CC: Armistead Jones, Baltimore City Board of Elections

Subject: Re: Letter to SBE



James, Marvin (Mayor's Office) <Marvin.James@baltimorecity.gov>

to Jared DeMarinis -SBE-, Salsbury, Stephen (LAW), Thompson, Ebony (Law Dept), Abigail Goldman -SBE-, Armstead Jo

You don't often get email from marvin.james@baltimorecity.gov. [Learn why this is important](#)

Jared -

Yes. That's correct. Thank you.

Marvin James (he/him)

Chief of Staff

100 Holliday Street
Baltimore, MD 21202

From: Jared DeMarinis -SBE- <Jared.DeMarinis@maryland.gov>

Sent: Wednesday, September 4, 2024 9:26:18 AM

To: James, Marvin (Mayor's Office) <Marvin.James@baltimorecity.gov>; Salsbury, Stephen (LAW) <Stephen.Sa
Armstead Jones -SBE- <armstead.jones@maryland.gov>; Daniel Kobrin <dkobrin@oag.state.md.us>

Subject: Re: FW: Letter to SBE

CAUTION: This email originated from outside of Baltimore City IT Network Systems.

Reminder: [DO NOT](#) click links or open attachments unless you recognize the sender and know that the content

Thank you for the letter. It is not clear if you want me to change the language on the ballot to include the name of please reply to this email to clarify and include "Key Highway" on the ballot question.

Jared DeMarinis
State Administrator of Elections



151 West Street, Suite 200
Annapolis, MD 21401
W- 410-269-2840
X - @jareddemarinis

On Tue, Sep 3, 2024 at 5:29 PM James, Marvin (Mayor's Office) <Marvin.James@baltimorecity.gov> wrote:

Exhibit 5



Eric Costello

@CouncilmanETC · [Follow](#)



Statement on Anne Arundel County Circuit Court Ruling re: Harborplace Charter Amendment Ballot Question



STATEMENT ON AA COUNTY CIRCUIT COURT RULING re: HARBORPLACE CHARTER AMENDMENT BALLOT QUESTION

Today, an Anne Arundel County judge and former Republican legislator undercut the ability of the Baltimore City Council to put questions of our future before the people of Baltimore at the ballot box. The decision today is an outrage and an affront to the sovereignty of the City of Baltimore and ignores decades of precedents. This is no longer a question about Inner Harbor Park. It is a question of our ability to govern ourselves as duly elected members of this City's legislative body.

Even worse, to allow people to vote on the ballot measure and then say we aren't allowed to count the votes of the people of Baltimore is voter suppression at its worst. Either the provision can be on the ballot, or it cannot.

Perhaps most troubling is that a judge from another jurisdiction would decide that language that has existed in our charter for five decades isn't charter-worthy is laughable. Her argument must also mean that the original provisions in the charter related to the Harbor are equally invalid.

I condemn in the strongest possible way the decision of the Anne Arundel County courts to infringe on the self-determination of the people of this City and the work of this City Council. I hope that the State Board of Elections and the City Solicitor immediately appeal to protect our legislative integrity.

###

4:16 PM · Sep 16, 2024





Fwd: FW: IHC Steering: Fwd: Charter Amendment Harborplace

1 message



From: DiPietro, Elena (Law Dept) <Elena.DiPietro@baltimorecity.gov>
Sent: Monday, May 13, 2024 3:34:17 PM
To: aja [vixonwolfe.com](mailto:aja@vixonwolfe.com) <aja@vixonwolfe.com>
Subject: RE: Charter Amendment Harborplace

As I expected, the answer is no. There will be no input from any group or individual other than those required by the law. The Law Department will comply with the requirements of the various court decisions concerning on the content and drafting of the ballot question.

Sincerely,

Elena DiPietro

*Elena R. DiPietro, Practice Group Chief
General Counsel Division*

Baltimore City Department of Law

[<image001.png>](#)
Department of Law

Mobile -410-802-1850

Office: (410) 396-3209

Confidentiality Notice:

This e-mail, including any attachment(s), is intended for receipt and use by the intended addressee(s), and may contain legal or other confidential and privileged information. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail is strictly prohibited, and requested to delete this communication and its attachment(s) without making any copies thereof and to contact the sender of this

e-mail immediately. Nothing contained in the body and/or header of this e-mail is intended as a signature or intended to bind the addressor or any person represented by the addressor to the terms of any agreement that may be the subject of this e-mail or its attachment(s), except where such intent is expressly indicated.

From: aja [vixonwolfe.com](mailto:aja@vixonwolfe.com) <aja@vixonwolfe.com>
Sent: Monday, May 13, 2024 3:18 PM
To: DiPietro, Elena (Law Dept) <Elena.DiPietro@baltimorecity.gov>
Cc: Phyllis.Fung@gmail.com
Subject: RE: Charter Amendment Harborplace

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Reminder: DO NOT click links or open attachments unless you recognize the sender and know that the content is safe. Report any suspicious activities using the Report Phishing Email Button, or by emailing to Phishing@baltimorecity.gov

Hi Elena—just checking in with you. Have the higher-ups chimed in with their position as it applies to our citizen group weighing in on the short title of the referendum before it is sent to State Board of Election. Again, we hope for a title which accurately reflects the very action of this question.

From: aja [vixonwolfe.com](mailto:aja@vixonwolfe.com)
Sent: Friday, April 19, 2024 11:24 AM
To: Elena.DiPietro@BaltimoreCity.gov
Cc: Phyllis.Fung@gmail.com
Subject: RE: Charter Amendment Harborplace

Ms. DePietro—please confirm receipt as the first one, with same address to you, was returned to me.

From: aja [vixonwolfe.com](mailto:aja@vixonwolfe.com)
Sent: Friday, April 19, 2024 11:16 AM
To: Elena.DiPietro@BaltimoreCity.gov
Cc: Phyllis.Fung@gmail.com
Subject: RE: Charter Amendment Harborplace

Ms. De Pietro—thank you for your time yesterday in discussion regarding the upcoming November ballot question as it applies to changes in Harborplace land use. Currently the Baltimore City Charter disallows

residential use there and requires its existing parkland/open space. The recent ordinance passed by the Baltimore City Council and signed by the Mayor puts on the forthcoming November, 2024 ballot, that Referendum to remove these restrictions and allow development of residential towers and take from Charter the requirement of parkland/open space. The Baltimore City Law Department is now required to provide language for the short title and narrative as it will be shown on the ballot, and that language must be Certified by August 2, 2024 by the State Board of Elections.

There is a group of concerned Baltimore City Residents of which I am a member, who have great concern about this proposed change to our City Charter. Our immediate interest now is to assure the language as presented to our Citizens represents the true meaning of this proposal. As such, we, or a representative would like to review it, in a timely fashion, with you, before it is sent to State for Certification, and with ample time to suggest changes to same.

It had always been my pleasure when I served our Citizens as a Member of the Baltimore City Council and later as The Real Estate Officer for Baltimore City to work with you. Please, let me know, as soon as possible, how to proceed in this important matter.

Thank you,

Anthony J. Ambridge

--

You received this message because you are subscribed to the Google Groups "Inner Harbor Coalition Steering Committee" group.

To unsubscribe from this group and stop receiving emails from it, send an email to inner-harbor-coalition-steering-committee+unsubscribe@googlegroups.com.

To view this discussion on the web visit <https://groups.google.com/d/msgid/inner-harbor-coalition-steering-committee/DM6PR16MB2844A9B94CAF6A0326B0CD7ACEE22%40DM6PR16MB2844.namprd16.prod.outlook.com>.

--

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IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY

PETITION OF: *

ANTHONY J. AMBRIDGE, *et al.* *

*

Case No. C-02-CV-24-002246

FOR JUDICIAL REVIEW OF DECISION OF *

MARYLAND STATE BOARD OF ELECTIONS *

IN THE MATTER OF: *

Certification of Ballot Question "F" *

2024 General Election Ballot for *

Baltimore City, September 2, 2024 *

* * * * *

AFFIDAVIT OF ANTHONY J. AMBRIDGE

1. I, Anthony J. Ambridge, am over 18 years of age, and am competent to testify to the facts set forth herein.
2. I have personal knowledge of the matters contained herein.
3. I served our Citizens as a Member of the Baltimore City Council for four terms (1983-1999) and later as the Real Estate Officer for Baltimore City.
4. I am an active member of several groups that are deeply concerned about the future of the Inner Harbor Park and am one of over 1100 active members of a public Facebook group, Harborplace Forum, that focuses on the future of our most sacred public park.
5. In a phone call to a member of the City Solicitor's Office on April 18, 2024, I expressed my concerns about the language for the proposed Charter Amendment referendum regarding the proposed land use changes to the Inner Harbor Park and Harborplace that would be appearing on the upcoming November 2024 ballot in Baltimore City.
6. I followed that discussion with an email to her on April 19, 2024. On behalf of myself and a

group of concerned Baltimore City residents, I reiterated our concerns regarding the Charter language. Our most immediate concern was to assure that the language presented on the ballot would clearly and accurately reflect the true meaning of these proposed changes to the City Charter. I emphasized the importance of a timely response to this email to allow us ample time to review the language and suggest changes.

7. After not receiving a response from Ms. DiPietro, I followed up with her in another email on May 13, 2024.
8. I received a reply from Ms. DiPietro on May 13, 2024, in which she indicated that neither members of the public nor I would be given a chance to review or provide input on the language of the ballot question.
9. On August 12, 2024, there was a post on the Facebook Harborplace Forum from Joe Stewart asking, “Has the city released their ballot language?” I responded, as did several other members. We all assumed that the ballot language would only be released to the public on September 2, 2024, and many of us watched the State Board website like hawks waiting for Question F to show up. (*See* Attachment 14A-B)
10. Once the ballot language was first published on the State Board of Elections website on September 2, 2024, there was immediate commentary on the ballot language by numerous members of the Facebook Harborplace Forum. (*See* Attachment 14C-E)
11. I solemnly affirm under the penalties of perjury that the foregoing contents of this Affidavit are true to the best of my personal knowledge, information, and belief.

9/15/24
Date

/s/
Tony Ambridge

Attachment 14A: Harborplace Forum

Harborplace Forum

Joe Stewart
Aug 12 · 🌐


Has the city released their ballot language?

👍 5 6 comments

👍 Like 💬 Comment 🔗 Copy ➦ Share

Anthony J. Ambridge
Aug 12 · 🌐

Second referendum struck down by Court this summer--"Protect Our Parks" short 88 signatures--when our "leaders" fail to lead, they should follow--we have neither.



Harborplace Forum
Joe Stewart · Aug 12 · 🌐

Has the city released their ballot language?

👍 Like 💬 Comment 🔗 Copy ➦ Share

👍 5

Top comments ▾

Anthony J. Ambridge
I have not seen it and was prohibited by both City Solisitor and Att ou rney General, to get a look.

4w Like Reply 3 🤔 🤔

Anthony J. Ambridge
Dottie Koller i agree, and we have every reason to expect unbiased and truthful language

4w Like Reply 3 👍

Attachment 14B: Inner Harbor Forum

Harborplace Forum
Ed Yelochan · Aug 28 · 🌐

any plans to distribute placards/window signs: "VOTE NO ON CHARTER AMENDMENT ##"

👍👏 19 41 comments

👍 Like 💬 Comment 🔄 Copy ➦ Share

Harborplace Forum
Ed Yelochan · Aug 28 · 🌐

Rein Kreek
Do we even know yet what the exact wording will be? (Same fate as the promised traffic 'study')

2w Like Reply 3 👍

Ed Eddie Edward
[Rein Kreek](#), yeah what's up with that? I thought they had to release the language in July.

2w Like Reply 1 🤔

Rein Kreek
[Ed Eddie Edward](#) I was expecting end of July; maybe mid August the latest. But

View 1 reply...

Teporah Bilezikian
Never mind, I see your post :)

1w Like Reply

Write a reply...

Edith Pula
I've been anxious to see the wording so I'd know if a banner should say "no" or "yes" if one doesn't want the referendum to pass (i.e., doesn't want the MOP plan). [Don Cuddy](#)

Harborplace Forum
Ed Yelochan · Aug 28 · 🌐

Ed Eddie Edward
Rein Kreek, it's weird because they had the final reading of the bill so long ago, I wonder if they actually have some fears of it being rejected, and that has something to do with it?

Frankly, considering the softball press they've been getting on this, and the fact that only once has one these things been rejected, it seems like they would be riding pretty high right now.

I'm just trying to figure out what the holdup is.

2w Like Reply 1 👍

Rein Kreek
I don't disagree but I don't think it's 'softball press' but media is only focused on covering stories of interest (what will generate most clicks/ads). Aside from a small group: All of this is pretty dry and boring stuff. The average person does not care if a building is two floors or 30 and if such a structure is zoned; not zoned, or needs to be zoned. Readers are zoned

Ed Eddie Edward
[Rein Kreek](#), I think there's actually a lot of muckraking news organizations could do if they felt like it. Starting with -- where the hell's the language we're going to be voting on? Segway to a feature on how we're spending happy billion dollars for a 10-year construction traffic jam, etc. I think the City Paper would have been all over this one. Although, I'm not claiming media attention would have any impact.

Attachment 14C: Harborplace Forum

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Harborplace Forum



Sep 2 · 

Please share any information you might have about when the text for the ballot on the Harborplace referendum will be released and what the process is from there. We heard it was coming out today but it's Labor Day!

 3

2 comments

 Like  Comment  Copy  Share

Top comments ▾



Harborplace Forum

Author

https://www.elections.maryland.gov/elections/2024/general_ballots/baltimorecity.pdf

Question F Charter Amendment Inner Harbor Park

Question F is for the purpose of amending the provision dedicating for public park uses the portion of the city that lies along the Northwest and South Shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge, and north of the highway to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor including Rash Field with a maximum of 4.5 acres north of an easterly extension of the south side of Conway Street plus access thereto to be used for eating places, commercial uses, multifamily residential development and off-street parking with the areas used for multifamily dwellings and off-street parking as excluded from the area dedicated as a public park or for public benefit.

- For the Charter Amendment**
- Against the Charter Amendment**

Attachment 14D: Harborplace Forum

< Harborplace Forum
[Redacted] Sep 3 · 🌐 ...

Are any of the defenders of the MCB proposal going to acknowledge that the ballot question explicitly states that "off-street parking" is going to be part of the structures? Not three blocks away, not even across the street - where the pavilions are now.

And that if the road diet is defeated later in the process, we could easily end up with 1,000+ new parking spaces right up to the waterline, with no changes to Pratt or Light and the loss of that "new" park land that would have come with the reclamation of that intersection?

Additionally, you have to applaud them literally seeking to remove the land the towers will be built on "from the area dedicated...for public benefit." Chef's kiss.

Harborplace Forum
Harborplace Forum · Sep 3 · 🌐 ...

teporan diezikian
[Redacted] I've never seen such long run on sentence in my life. Missing commas makes it hard to read too!

1w Like Reply 5 🍌

[Redacted]
Phyllis Fung Their wording is confusing with all the rambling on about intercardinal directions. It's a series of diversions to make people decide fast in the booth with only a superficial understanding of the issue. There may be a positive with it cutting both ways with people in favor of the towers filling in the wrong box! Hey, a guy can dream.

Harborplace Forum
Harborplace Forum · Sep 3 · 🌐 ...

[Redacted] R all day long and twice on Sunday!

1w Like Reply 4 🍌

[Redacted]
LOLLLLLLLL!!! WHO WROTE THAT???? It should not pass regardless because it does not make any sense grammatically so any applicable context is null and void! Laws are based on sentences that are grammatically correct. This is not. LOL.

1w Like Reply 3 🍌

< Harborplace Forum
Harborplace Forum · Sep 3 · 🌐 ...


Fred Shoken
I believe there are some errors on this Charter Amendment when comparing it to the existing text of the Baltimore City Charter Article 1 Section 9.



It should read " ... along the north, west and south shores of the Inner Harbor ..." not "the Northwest and South Shores of the Inner Harbor ..."

It should also read " ... north of Key Highway to the water's edge" not "north of the highway to the water's edge ..."



I am not sure if these errors are substantial enough to challenge a vote, but it represents a sloppy attempt at amending the charter.

Attachment 14D: Harborplace Forum



 **Harborplace Forum**
Harborplace Forum · Sep 3 · 🌐


  Oh, I see what happened. This is why the language was released September 2, on LABOR DAY. They did it to try create pressure because of the printing deadline. They didn't want to leave any time for a challenge.


1w Like Reply 3 🇺🇸 🙄

  what bullshit

1w Like Reply 1 🙄

  "Transparent government." Where's the media to cover this? This proposal on so many levels and along each step of the way has been an assault on and an abuse of public trust. My cynicism: If the electorate doesn't care about its gov't then why would they care about a ballot question? And folks wonder why the city continues to falter.

 **Harborplace Forum**
Harborplace Forum · Sep 3 · 🌐

 Looks like they fixed the Key Highway part, but not the "Northwest" part. Also still a word salad.

This is why we can't have nice things.

**Question F
Charter Amendment
Inner Harbor Park**

Question F is for the purpose of amending the provision dedicating for public park uses the portion of the city that lies along the Northwest and South Shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge, and north of the highway to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor including Rash Field with a maximum of 4.5 acres north of an easterly extension of the south side of Conway Street plus access thereto to be used for eating places, commercial uses, multifamily residential development and off-street parking with the areas used for multifamily dwellings and off-street parking as excluded from the area dedicated as a public park or for public benefit.

- For the Charter Amendment**
- Against the Charter Amendment**

Attachment 14E: Harborplace Forum

Klaus Philipsen
September 5 at 7:16 PM · 🌐

This time around there are referendum questions on the ballot that should be voted down. Two at least. F-No! and H-no! You can fill out the missing letters.

<p>Question E Charter Amendment Baltimore City Police Department</p> <p>Question E is for the purpose of establishing the Baltimore City Police Department as an agency of the Mayor and City Council of Baltimore. The Police Commissioner is established as the head of the Department and is appointed by the Mayor subject to confirmation under Art. IV, Sec. 6 (a) of the Charter. The Commissioner's powers are enumerated and include determining and establishing the form and organization of the Department; assigning staff and resources; instituting systems for evaluations of members and setting policy with respect to the general operations of the Department.</p> <p>The purpose and powers of the Department are also determined. The Department shall have the duty to preserve the peace, detect and prevent crime, enforce the laws of the State and the Mayor and City Council of Baltimore as well as apprehend and arrest individuals who violate or are lawfully accused of violating the law. The Department will preserve the order at public places but must discharge its duties and responsibilities with dignity and in a manner that will inspire public confidence and respect.</p> <p>The duties of police officers are also established and the procedure for the creation of police districts is established.</p> <p><input type="radio"/> For the Charter Amendment <input type="radio"/> Against the Charter Amendment</p>	<p>Question G Charter Amendment Community Reinvestment and Reparatons Fund</p> <p>Question G is for the purpose of establishing a continuing, non-lapsing Community Reinvestment and Reparatons Fund, to be used exclusively to support the work of the Community Reinvestment and Reparatons Commission to the extent that the work of the commission is within the scope of the use limitations in § 1-322 ("Community Reinvestment and Repair") of the State Alcoholic Beverage and Cannabis Article. The Mayor and City Council are authorized, by ordinance, to provide for the oversight, governance, and administration of the Fund</p> <p><input type="radio"/> For the Charter Amendment <input type="radio"/> Against the Charter Amendment</p>
<p>Question F Charter Amendment Inner Harbor Park</p> <p>Question F is for the purpose of amending the provision dedicating for public park uses the portion of the city that lies along the Northwest and South Shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge, and north of the Key Highway to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor including Rash Field with a maximum of 4.5 acres north of an easterly extension of the south side of Conway Street plus access thereto to be used for eating places, commercial uses.</p>	<p>Question H Charter Amendment via Local Petition Reducing the Size of the City Council</p> <p>Question H is for the purpose of amending Art. III, Sections 2 and 7 of the Charter to reduce the number of Baltimore City Council districts from 14 to 8. If the number of City Council districts is modified by an approved Charter amendment, the Mayor shall prepare a plan for Council redistricting based on the most recent census. The Mayor shall present the plan to the City Council not later than the first day of February of the first municipal election year following the approval of the Charter amendment.</p> <p><input type="radio"/> For the Charter Amendment <input type="radio"/> Against the Charter Amendment</p>

👍👏 You, Sue Carlin, Jën Fischetti and 6 others · 9 🗨️ 2 📄

👍 Like 💬 Comment ➦ Share

Most relevant ▾

Steven Rivelis
And to clear the vote is "AGAINST" ...

Most relevant ▾

Steven Rivelis
And to clear the vote is "AGAINST" ...
1w Like Reply

Cindy Thompson
Why "No" for F, the public parks? ...
1w Like Reply

Klaus Philipsen
Cindy Thompson the rub with F is the last sentence, allowing offices, residences and parking in 4.5 acres of the public park, all uses currently prohibited there by the City Charter.
1w Like Reply

Terrance Hancock
Cindy Thompson aka the MCB development ...
1w Like Reply

Anthony J. Ambridge
Cindy Thompson I for one am appalled that our City "leaders" have approved a Resolution to allow by referendum the conversion of 3.6 acres of public parkland, designated in the City Charter to be "open space in perpetuity for use of all citizen Balt... See more ...
1w Like Reply 3 🗨️

Cindy Thompson
Anthony J. Ambridge Oh! So, they are trying to SNEAK THIS IN!!!! OHHHHHHHHHH. I get it now!
1w Like Reply

Donna Beth Joy Shapiro
Cindy Thompson MCB plans to build two huge apartment towers on Light Street and two office structures on Pratt Street. Thr City Council has already removed all zoning restrictions and height limitations - the guard rails that insured our masterpiece In... See more ...
1w Like Reply

Peggy Webster
Cindy Thompson it's purpose is to allow the Bramble fiasco at the Inner Harbor ...
16h Like Reply