E-FILED
Gregory Hilton, Clerk,
Supreme Court of Maryland
9/27/2024 12:00 PM

IN THE
SUPREME COURT OF MARYLAND

SEPTEMBER TERM, 2024

NO. 26

MARYLAND STATE BOARD OF ELECTIONS, et al.,

Appellants,

v.

ANTHONY J. AMBRIDGE, et al.,

Appellees

ON APPEAL FROM THE CIRCUIT COURT OF ANNE ARUNDEL COUNTY
(The Honorable Cathleen M. Vitale, Judge).

BRIEF OF APPELLANT MAYOR AND CITY COUNCIL OF BALTIMORE

EBONY M. THOMPSON
City Solicitor

STEPHEN SALSBURY
Deputy City Solicitor

HILARY P. RULEY
Chief Solicitor

DEREK VAN DE WALLE
Assistant Solicitor

MATTHEW BRADFORD
Chief of Staff

MICHAEL REDMOND
Director, Appellate Practice Group

BALTIMORE CITY LAW DEPARTMENT
100 Holliday Street
Baltimore, Maryland 21202
(410) 396-7536
Michael.Redmond@baltimorecity.gov

Counsel for Appellant, Mayor and City Council of Baltimore

TABLE OF CONTENTS

Page

STATEMENT OF THE CASE... ..1

QUESTIONS PRESENTED.. 5

STATEMENT OF FACTS 6

STANDARD OF REVIEW 6

ARGUMENT 7

The circuit court's order is both procedurally improper and legally incorrect, and therefore must be reversed for either of those reasons... 7

I. The circuit court was procedurally barred from granting the relief it chose………………………………….……………......8

A. Pre-election invalidation of a legislatively proposed charter amendment that will still appear on the ballot is unconstitutional……………………..……………………8

B. Elec. § 9-209 cannot be used as a vehicle to challenge the validity of the proposed charter amendment…………………12

C. This suit is improper under Elec. § 12-202 for multiple, independently sufficient reasons……………………………..17

1. Elec. § 12-202 is not the appropriate vehicle to challenge the validity of a legislatively approved proposed charter amendment ……………………………….……17

2. The "appropriate circuit court" under 12-202(b) in which to challenge to the language and nature of the Baltimore City's proposed charter amendment is the Circuit Court for Baltimore City, not Anne Arundel County ……………………………………………....19

3. A suit challenging the language and nature of the City's proposed charter amendment must include the City as a necessary party.……………………………………21

4. Even if Elec. § 12-202 can be utilized here, laches should bar this action against the State Board for the reasons it states ………………………………………24

II. The circuit court's substantive rulings were legally erroneous. 26

A. The legislatively proposed charter amendment, which modifies limits on City government authority already present in the charter, is proper charter material 26

1. The City's legislative body cannot unconstitutionally usurp its own Art. XI-A § 3 legislative power by proposing a charter amendment that is legislative in nature 27

2. The City's proposed charter amendment properly modifies limits to governmental power rather than affirmatively exercising that power 29

B. The language appearing on the ballot for the legislatively proposed charter amendment, which uses the same language utilized in the charter provision being amended and the resolution enacted to propose the amendment, is accurate, non-misleading, and provides voters in Baltimore City with the opportunity to make an intelligent choice 35

CONCLUSION 48

CERTIFICATION OF RULES 8-503 AND 8-112 COMPLIANCE 50

APPENDIX

Page

City of Baltimore Ordinance 24-319 .... App. 1
City of Baltimore Ordinance 24-320 .... App. 5

TABLE OF CITATIONS

Page

Cases

Ademiluyi v. Egbuono,
466 Md. 80 (2019)..........14, 15, 22

Anne Arundel Cnty. v. Smallwood,
327 Md. 220 (1990)..........22, 30, 34, 36

Anne Arundel County v. McDonough,
277 Md. 271 (1976)..........49

Atkinson v. Anne Arundel County,
428 Md. 723 (2012)..........22, 23

Bernstein v. State,
422 Md. 36 (2011)..........11

Berry v. Queen,
469 Md. 674 (2020)..........15

Cheeks v. Cedlair Corp.,
287 Md. 595 (1980)..........22, 30, 31, 32

Green v. Garrett,
192 Md. 52 (1949)..........Passim

Griffith v. Wakefield,
298 Md. 381 (1984)..........22

Harvey v. State,
51 Md. App. 113 (1982)..........24

Hertelendy v. Bd. of Ed. Of Talbot Cnty.,
344 Md. 676 (1995)..........22

Kelly v. Vote Know Coal. of Maryland, Inc.,
331 Md. 164 (1993)..........37, 46, 48, 49

Lamone v. Schlakman,
451 Md. 468 (2017)..........19, 26, 27, 29

Md. State Administrative Bd. of Election Laws v. Talbot County,
316 Md. 332 (1988)..........22, 25

Minh-Vu Hoang v. Lowery,
469 Md. 95 (2020)..8

Montgomery Cnty. v. Bd. of Supervisors of Elections for Mont. Cnty.,
311 Md. 512 (1988)..12, 13

Reed v. McKeldin,
207 Md. 553 (1955)..10

Renbaum v. Custom Holding, Inc.,
386 Md. 28 (2005)..8

Ritchmount P'tship v. Bd. of Sup'rs of Elections for Anne Arundel County,
283 Md. 48 (1978)..22, 29

Ross v. St. Bd. of Elections,
387 Md. 649 (2005)...14, 16, 22, 26

Save our Streets v. Mitchell,
357 Md. 237 (1998)...22, 33, 34

Stop Slots MD 2008 v. State Bd. of Elections,
424 Md. 163 (2012)...Passim

Suessmann v. Lamone,
383 Md. 697 (2004)..20

Surratt v. Prince George's County,
320 Md. 439 (1990)..37

Constitutional Provisions

Maryland Constitution, art. XI-A § 3...25, 26, 27

Maryland Constitution, art. XI-A § 5...7, 8, 21

Statutes

Maryland Code, Courts & Judicial Proceedings Art., § 3-405..............................17

Maryland Code, Courts & Judicial Proceedings Art., § 6-201..............................21

Maryland Code, Elections Law Art., § 1-101…..8

Maryland Code, Elections Law Art., § 6-209…...16, 18

Maryland Code, Elections Law Art., § 9-201…..8

Maryland Code, Elections Law Art., § 9-205…...11, 13

Maryland Code, Elections Law Art., § 9-209….......................................Passim

Maryland Code, Elections Law Art., § 9-217…..8

Maryland Code, Elections Law Art., § 12-202..Passim

Rules

Maryland Rule 2-211…..20, 21

Charter Provisions

BALTIMORE CITY CHARTER, art. I, § 3.. 31

BALTIMORE CITY CHARTER, art. I, § 9...Passim

BALTIMORE CITY CHARTER, art. V, § 5….......................................32, 39

BALTIMORE CITY CHARTER, art. VII, § 67...31

BALTIMORE CITY CHARTER, art. VIII, §§ 1-9...............................31, 32

Other Authorities

61 Op.Atty Gen. 384 (1976)...13

IN THE
SUPREME COURT OF MARYLAND

SEPTEMBER TERM, 2024

NO. 26

MARYLAND STATE BOARD OF ELECTIONS, et al.,

Appellants,

v.

ANTHONY J. AMBRIDGE, et al.,

Appellees

BRIEF OF APPELLANT MAYOR AND CITY COUNCIL OF BALTIMORE

STATEMENT OF THE CASE

Appellant Mayor and City Council of Baltimore ("City"), and the duly elected public officials that lead the City, decided that the downtown area of Baltimore City and the City as a whole would benefit if the commercial use areas inside Inner Harbor Park were expanded and redeveloped in a way that included residential uses in addition to the retail uses and restaurants that are currently there. In order to enable redevelopment and foster revitalization, the City must amend existing provisions of the City Charter. In accordance with

Article XI-A, §5 of the Maryland Constitution, the City Council passed, and Mayor signed, a resolution to amend the City Charter that the voters of Baltimore City will accept or reject in the November 5, 2024, general election. The City described this proposed charter amendment in language designated "Question F" that it sent to Appellant Maryland State Board of Elections ("State Board"). The State Board included that language on the ballots which have already been printed and mailed to some Baltimore City voters.

As is the case with most significant policy decisions, there are people who adamantly disagree with the redevelopment plan, including Anthony J. Ambridge and the rest of the Appellees in this action (collectively referred to as "Ambridge"). The proper place to oppose the policy decision at this late stage is at the polls. However, Ambridge has made various non-electoral challenges to this policy decision.

Had Ambridge wanted to challenge the validity of the resolution itself, they could have sued the City directly in the Circuit Court for Baltimore City promptly after the Baltimore City Council passed, and the Mayor signed, the resolution in March of 2024. They did not do so.

Instead, Ambridge delayed until September 5, 2024—when the ballots were scheduled to be printed the following day—to file a petition for judicial review against the State Board in the Circuit Court for Anne Arundel County.

Their petition was brought pursuant to Md. Code Ann., Election Law Article ("Elec."), § 9-209, which only authorizes challenges to the "content and arrangement, or to correct any administrative error" on the ballot itself. Ambridge then amended the petition to include a challenge under Elec. § 12-202, which allows a "registered voter may seek judicial relief from any act or omission relating to an election[,]" but only "[i]f no other timely and adequate remedy is provided by [the Election Law Article]."

The State Board defended the suit Ambridge filed against it on procedural grounds, noting many (but not all) of the fatal procedural defects in what Ambridge was trying to do, but it did not present any defense against the substantive attacks on the nature and language of Question F because it was the City, not the State Board, who drafted that language.

Although Ambridge did not seek declaratory relief in the petition, the circuit court ultimately ruled that: (i) the Question F was illegal under the Maryland Constitution because it does not go to the form and structure of government, but was rather, a zoning bill; (ii) such an action was permissible under § 12-202; (iii) the action was not barred by laches; and (iv) the language of the ballot question was impermissibly unclear. Rather than order any corrective measures to address the supposed lack of clarity, the court ordered that Question F would remain on the ballot, but barred the State Board from certifying the votes for that

question, thereby effectively turning it into a straw poll and disenfranchising hundreds of thousands of Baltimore City voters

When the City learned of the circuit court's unconstitutional, procedurally defective, legally erroneous ruling and order infringing upon the City's voters' right to self-government, the City intervened, sought reconsideration (which was not granted), and appealed to this Court. The State Board also appealed. And the company that seeks to redevelop the Inner Harbor Park commercial use areas, MCB HP Baltimore LLC, also intervened and appealed. This Court scheduled briefing and argument on an extremely expedited basis given the short time before the election.

QUESTIONS PRESENTED

1. Does Article XI-A, § 5 of the Maryland Constitution, and Elec. §§ 9-209 and 12-202 prohibit the relief granted by the circuit court?

2. Should the Ambridge petition for judicial review in Anne Arundel County have been dismissed?

3. Does the Maryland constitution allow the City to legislatively propose a charter amendment that modifies a limitation on the City's power that is already present in the charter?

4. Is the language in the City's legislatively proposed charter amendment accurate, non-misleading, and capable of providing the voters of Baltimore an intelligent choice on the matter before them?

STATEMENT OF FACTS

With the following additions, the City adopts the statement of facts in the brief of Appellant Maryland State Board of Elections.

On March 11, 2023, the City not only enacted the charter amendment proposal at issue here by City Council resolution, but also enacted two ordinances that modify the zoning that applies to the area including Inner Harbor Park. *See* Ordinance 24-319 ("An Ordinance Concerning Zoning C-5-IH Inner Harbor Subdistrict – Amendment"); Ordinance 24-320 ("An Ordinance Concerning Urban Renewal – Inner Harbor Project I – Amendment 21"), attached as Apx.1-12.[1]

STANDARD OF REVIEW

"Decisions on matters of law are reviewed *de novo*." *Renbaum v. Custom Holding, Inc.*, 386 Md. 28, 43 (2005). Moreover, "[t]he Court reviews issues of statutory interpretation *de novo*." *Minh-Vu Hoang v. Lowery*, 469 Md. 95, 104 (2020).

[1] Legislation passed by the Baltimore City Council, including these ordinances and the charter amendment resolution, are a readily verifiable government record publicly available on the City Council's Legistar webpage, baltimore.legistar.com (last visited September 26, 2024). Legislative details and the text of these can be found by clicking on the Legislation tab and searching "Inner Harbor."

ARGUMENT

The circuit court's order is both procedurally improper and legally incorrect, and therefore must be reversed for either of those reasons.

The circuit court must be reversed because it provided relief that is not authorized by the statutes of Maryland nor by the jurisprudence of this Court. It must be reversed because Ambridge made numerous procedural errors–suing the wrong parties in the wrong court at the wrong time under the wrong statutes–that are fatal to their claims. It must be reversed because the circuit court was legally incorrect about whether the Maryland Constitution allows the City to propose charter amendments that modify charter restrictions to the City's power. And it must be reversed because the language of the City's proposed amendment is accurate, non-misleading, and provides Baltimore City voters with an intelligent choice about how their local government is to be run. The Circuit Court for Anne Arundel County took that choice away and disenfranchised hundreds of thousands of Baltimore City voters. This Court must correct those errors and right that injustice.

I. The circuit court was procedurally barred from granting the relief it chose.

A. Pre-election invalidation of a legislatively proposed charter amendment that will still appear on the ballot is unconstitutional.

The circuit court's ruling that "the Baltimore City Board of Elections shall not certify the results of Ballot Question 'F' arising from the 2024 General Election for the City of Baltimore" is unconstitutional. Indeed, this Court has already expressly held that is the case.

Amendments to the Baltimore City Charter may be proposed by the "Mayor of Baltimore and the City Council of the City of Baltimore" or by the electorate through petition after obtaining the requisite number of signatures and receiving certification. *See* Md. Const. art. XI-A, § 5. Under either method, the Maryland Constitution provides:

> An amendment so proposed shall be submitted to the voters of the City or County at the next general or congressional election occurring after the passage of the resolution or the filing of the petition. If at the election **the majority of the votes cast for and against the amendment shall be in favor thereof, the amendment shall be adopted** and become a part of the charter of the City . . . .

Md. Const. art. XI-A, § 5 (emphasis added).

To determine that the circuit court's ruling was constitutionally invalid, this Court need look no further than the plain language of Article XI-A, § 5. *Reed v. McKeldin*, 207 Md. 553, 560 (1955) ("It is a cardinal rule of construction that where the text of a constitutional provision is not ambiguous, the Court, in

construing it, is not at liberty to search for its meaning beyond the Constitution itself."); *see also Bernstein v. State*, 422 Md. 36, 44 (2011) (the Supreme Court has "admonished that courts should be careful not to depart from the plain language of the instrument.").

The plain language of Article XI-A, § 5 mandates that voters to cast votes "for" and "against" the amendment, and, if a majority is in favor of the amendment, then "the **amendment shall be adopted**[.]" Thus, should the resolution receive a majority of votes in favor, the constitution requires that it be adopted into the charter. The circuit court's ruling prevents this and creates an impossibility under the constitution—that even with a majority of favorable votes, the resolution will not be adopted into the charter. Thus, the circuit court's order departs from the plain language of Article XI-A, § 5 which does not permit "straw votes" of the kind implemented by the circuit court.

The plain language of the Election Law Article further makes it clear that straw votes are not permitted in official ballots for the general election. Under the Election Law Article, a "ballot" or "official ballot" includes all ballots that may be counted in an election, but "does not include: (i) a sample ballot; or (ii) a specimen ballot." Elec. § 1-101(d); *cf.* Elec. § 1-101(nn) (defining as "sample ballot" a "facsimile of a ballot used for informational purposes by a person or entity other than a local board."). Then, to "'vote' means to cast a ballot **that is counted**." Elec.

§ 1-101(uu) (emphasis added). The Election Law Article also states that a "ballot may not be used for any purpose not authorized by this article[,]" Elec. § 9-201(c), and that "[a] person may not use, distribute, possess, print, or reproduce a ballot other than as authorized in this article." Elec. § 9-217(a). Because the circuit court's ruling *de facto* turns the ballots of Baltimore City voters to sample or specimen ballots for Question F--which will not be counted--the ruling violates multiple provisions of the Election Law Article.

The Supreme Court of Maryland has already determined that placing a question on a ballot that will not be certified amounts to impermissible "straw votes" for a policy. *See Montgomery Cnty. v. Bd. of Supervisors of Elections for Mont. Cnty.*, 311 Md. 512, 518 (1988). That case concerned a proposed charter amendment that facially conflicted with a public general law. The County Council took the position that, despite the facial conflict, "the proposed charter amendments should nevertheless go on the ballot; if approved by the voters, the new charter provisions would simply be 'inoperative' until there was a change in public general law." 311 Md. at 517.

The Supreme Court rejected that position. Observing that "[t]he County Council's argument is flatly contrary to Maryland cases[,]" the Court reasoned that "[a]llowing a vote on proposed charter amendments which, if approved by the electorate, cannot go into effect because they conflict with higher law, would be to

sanction ‘straw votes’ on a multitude of public issues or potential issues.” *Id*. at 520. In holding that “straw votes” of this nature are not permitted, the Court reasoned:

> If the Council’s view of the proposed amendments is correct, the amendments run afoul of the principle that “straw votes” are impermissible in this State. If a county, under the guise of charter amendments negating particular constructions of its charter, could obtain straw votes on issues controlled by state or federal law, county charters could be filled with political sentiments on policy matters going far beyond the proper scope of a local government home rule charter.

Id. at 521 (internal citations omitted).[2]

Regarding whether the Maryland Constitution permits straw votes, the Court was clear that “[i]t was not the purpose of Art. XI–A of the Maryland Constitution to allow county charters to be cluttered with advisory sentiments on political issues . . . .” *Id*. at 522.

By allowing a straw vote on Question F, the circuit court’s order contradicts these established principles. Therefore, the circuit court’s order violates Article XI-A, § 5 of the Maryland Constitution, multiple sections of the Election Law Article, the opinions of the Attorney General, and the precedent of this Court.

---

[2] The Court cited to a 1976 opinion of the attorney general for support. The Attorney General reasoned that “the authority is overwhelming that a local county council may not validly submit to the voters at a State election a purely advisory question designed to solicit the views of the voters.” 61 Op.Atty Gen. 384, 389 (1976). Ultimately, the Attorney General concluded that straw votes violate the Maryland Constitution. *See id*.

B. Elec. § 9-209 cannot be used as a vehicle to challenge the validity of the proposed charter amendment.

The cause of action and relief authorized by Section 9-209 is limited.[3] It only authorizes a voter to "seek judicial review of the content and arrangement, or to correct any administrative error" on the ballot. Elec. § 9-209(a). Thus, "[t]he errors subject to judicial review under Section 9–209, whether arising from the content and arrangement of the ballot or other facial aspects of the ballot, **are confined to the various characteristics of the ballot**, not the qualifications or lack thereof of the candidates." *Ross v. St. Bd. of Elections*, 387 Md. 649, 665 (2005) (emphasis added). Phrased differently, a challenge to the ballot is necessarily limited to the four corners of the ballot itself as the plain language of the statute makes clear. *See Ross*, 387 Md. at 662 (the goal of statutory interpretation "is to identify and effectuate the legislative intent underlying the statute(s) at issue" and "the best source of legislative intent is the statute's plain language, and when the language is clear and unambiguous, our inquiry ordinarily ends there.") (cleaned up).

Recently, this Court observedthat "the term 'content and arrangement' within this context, is a narrow one." *Ademiluyi v. Egbuono*, 466 Md. 80, 132 (2019). The meaning of "content," found in Elec. § 9-205, "is limited to statutorily enumerated

---

[3] The City adopts, incorporates, and joins the arguments of the State Board and MCB on this issue.

items including, but not limited to, the name of a candidate provided within his or her certificate of candidacy, instructions to voters, titles of offices up for vote, and party designations for certain candidates." *Ademiluyi*, 466 Md. at 132 (cleaned up).

Likewise, Section 9–209 restricts the relief that may be granted by the circuit court. Keeping in line with the principle that a § 9-209 challenge to the ballot is limited to "facial aspects of the ballot," the circuit court can only "require the **State Board**" to take corrective action, including to "(1) correct an administrative error; (2) show cause why an administrative error should not be corrected; or (3) take any other action required to provide appropriate relief." Elec. § 9-209(b). Clearly, the intent of the General Assembly was to, again, limit relief to certain facial and administrative errors with the ballot. And while the circuit court may "take any other action required to provide appropriate relief," that language "must be viewed within the context of the statutory scheme to which it belongs, considering the purpose, aim or policy of the Legislature in enacting the statute." *Berry v. Queen*, 469 Md. 674, 687 (2020) (cleaned up). Thus, subsection (b)(3) is not a "catch-all" provision that allows the circuit court to formulate any relief it

desires.[4] Rather, the relief must be limited to the purpose of § 9-209—correcting administrative errors or errors in content and arrangement.

Ross is instructive on the limits of § 9-209. In *Ross*, the losing candidate challenged the winning candidate's qualifications to be on the ballot, utilizing § 9-209 and § 12-202. *See* 387 Md. at 653-54. On appeal of other issues, the Supreme Court of Maryland concluded, *sua sponte*, that the circuit court "erroneously relied upon Section 9–209 as it does not govern challenges to a candidate's qualifications to appear on the ballot." *Id*. at 653. After undertaking a detailed analysis of § 9–205's legislative history, the Court concluded that "[t]he errors subject to judicial review under Section 9–209, whether arising from the content and arrangement of the ballot or other facial aspects of the ballot, are confined to the **various characteristics of the ballot,** not the qualifications or lack thereof of the candidates." *Id*. at 665 (emphasis added). In other words,

> [t]he plain language of Section 9–205, when read in relation to Section 9–209, does not provide a vehicle for a registered voter to challenge the candidate's underlying eligibility as determined by the State Board. Rather, it only provides a mechanism by which such a voter may 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.

Id. at 666-67.

---

[4] Even if it were such a catch-all, ordering an unconstitutional straw poll could not possibly be deemed "appropriate" relief.

Similarly, Ambridge cannot challenge the constitutional validity of the Resolution through a § 9-209 action because only challenges to the "various characteristics of the ballot," such as the "content and arrangement of the ballot or other facial aspects of the ballot" may brought under § 9-209.

If there was any doubt about the plain meaning of the § 9-209, the General Assembly essentially codified the Court's reasoning in *Ross*. The version of § 9-209 effective before June 1, 2019 (when *Ross* was decided), allowed a registered voter seek judicial review of, and for the circuit court to correct, simply, "errors:"

> (a) Within 2 days after the content and arrangement of the ballot are certified under § 9-207 of this subtitle, a registered voter may seek judicial review of the content and arrangement, or to correct any **other error**, by filing a sworn petition with the circuit court for Anne Arundel County.
>
> (b) The circuit court may require the State Board to:
>
> (1) correct **an error**;
>
> * * *

Elec. § 9-209 (version effective from April 10, 2012 to May 31, 2019) (emphasis added).

After *Ross*, the General Assembly amended § 9-209so that judicial review and relief was limited to "administrative" errors. *See* MD Fisc. Note, 2019 Sess. S.B. 1004 ("The bill modifies judicial review provisions relating to the content and arrangement of ballots so that they authorize judicial review to correct

any *administrative* error, instead of any *other* error. Judicial review, in circumstances where an error is not corrected, is limited to review of an administrative error discovered after ballots have been publicly displayed[.]") (emphasis in original). Thus, the General Assembly expressly foreclosed the possibility of *any* kind of relief by amending the language from "other error" to "administrative error."

Fundamentally, § 9-209 authorizes a circuit court to require that the State Board correct administrative errors on the ballot, show why administrative errors need not be corrected, or take any actions required to provide relief from such errors. That section is designed to correct language within the four corners of the ballot, and does not permit a circuit court to invalidate the ballot question itself, particularly one enacted by the duly-elected legislature. Ambridge was not permitted to use §9-209 as a vehicle to challenge the validity of the proposed charter amendment, and therefore the circuit court was not authorized to rely on that section in granting relief.

C. This suit is improper under Elec. § 12-202 for multiple, independently sufficient reasons.

1. Elec. § 12-202 is not the appropriate vehicle to challenge the validity of a legislatively approved proposed charter amendment.

Section 12-202 does not sanction the relief sought by and granted to Ambridge by the circuit court. It applies only "[i]f no other timely and adequate remedy is provided by this article[.]" Elec. § 12-202(a). In fact, § 12-202 "governs judicial challenges to certain irregularities in relation to an election[.]" *Lamone v. Schlakman*, 451 Md. 468, 482 (2017) (emphasis added). "[B]y its terms, [§ 12-202] affords a party the opportunity to challenge irregularities as elaborated in Elec. Law § 12–202(a) . . . and constitutes general judicial review authority when no other Election Law provisions apply." *Schlakman*, 451 Md. at 482 (emphasis added).

A challenge to the underlying constitutional validity of a proposed charter amendment enacted by the legislature cannot be an "irregularity" in the election. *Cf. Schlakman*, 451 Md. at 476-77 (challenging whether a candidate's name could appear on the ballot past the filing deadline). Indeed, a challenge to whether the City Council may pass a resolution to amend the City Charter is a fundamental constitutional issue, not merely an irregularity with the election process.

In that same vein, and as recent cases before this Court suggest, § 6-209 of the Election Law Article is the proper vehicle to challenge the constitutionality of a

ballot measure. *See Baltimore City Bd. of Elections v. Mayor and City Council of Baltimore*, Case No. 0034-2023, and *Frederick v. Baltimore City Bd. of Elections*, Case No. 0035-2023 (constitutional challenges to proposed charter amendments brought pursuant to § 6-209). Significantly, subsection (b) § 6-209 expressly authorizes declaratory relief—relief which is noticeably absent from § 12–202. Yet, Ambridge filed suit under § 12–202, and not § 6-209, and sought the equivalent of declaratory by seeking a declaration that the Resolution was unconstitutional, which the circuit court impermissibly granted. Because another "adequate remedy is provided by this article"—*i.e.*, the judicial review petitions of § 6-209—Ambridge is not permitted to make the same challenge through § 12-202.

Moreover, § 12-202 applies only in cases involving "exigent circumstances." *Suessmann v. Lamone*, 383 Md. 697, 709-10 (2004). There is nothing "exigent" about waiting nearly five months to challenge the constitutionality of the City's resolution. *See* BLACK'S LAW DICTIONARY (12th ed. 2024) (defining "exigent" as "[r]equiring immediate action or aid; urgent[,]" and defining "emergency" as: "1. A sudden and serious event or an unforeseen change in circumstances that calls for immediate action to avert, control, or remedy harm. 2. An urgent need for relief or help; an exigent circumstance in which immediate assistance is needed to protect property, public health, or safety, or to lessen or avert the threat of disaster."). As discussed in more detail below, Ambridge was on notice of the resolution, at the

earliest, on March 4, 2024 when the City Council passed Council Bill 23-0444, and, at the latest, April 19, 2024, when Ambridge personally contacted the City Law Department about the resolution.

For all these reasons, Ambridge cannot utilize § 12-202 to challenge the constitutionality of the resolution at this late stage.

2. The "appropriate circuit court" under 12-202(b) in which to challenge to the language and nature of the Baltimore City's proposed charter amendment is the Circuit Court for Baltimore City, not Anne Arundel County.

A petition for judicial review under § 6-209 must be brought "in the circuit court for the county in which the petition is filed." Elec. § 6-209(a)(1)(ii). Even § 12-202 requires that judicial challenges to "any act or omission relating to an election" are required to be brought "in the appropriate circuit court." Elec. § 12-202(b).

The appropriate circuit court to challenge the constitutionality of the resolution itself is the Circuit Court for Baltimore City, wherein the Mayor and City Council of Baltimore and the Baltimore City Charter "live," so to speak. *See* Md. Code Ann., Courts & Judicial Proceedings, § 6-201 ("a civil action shall be brought in a county where the defendant resides, carries on a regular business, is

employed, or habitually engages in a vocation. In addition, a corporation also may be sued where it maintains its principal offices in the State.”).[5]

The resolution at issue was passed by the Mayor and City Council of Baltimore in Baltimore City, and therefore certified in Baltimore City to appear on ballots that will be voted on in Baltimore City, not any other jurisdiction. *Accord Ritchmount P'tship v. Bd. of Sup'rs of Elections for Anne Arundel County*, 283 Md. 48 (1978); *Cheeks v. Cedlair Corp.*, 287 Md. 595 (1980); *Griffith v. Wakefield*, 298 Md. 381 (1984); *Md. State Administrative Bd. of Election Laws v. Talbot County*, 316 Md. 332 (1988); *Anne Arundel County v. Smallwood*, 327 Md. 220 (1990); *Hertelendy v. Bd. of Ed. Of Talbot Cnty.*, 344 Md. 676 (1995); *Save our Streets v. Mitchell*, 357 Md. 237 (1998); *Atkinson v. Anne Arundel County*, 428 Md. 723 (2012) (constitutional challenges to charter amendment brought in circuit court for that county).

Ambridge, by their filings in multiple jurisdictions, acknowledges this to be the case. On September 5, 2024, Ambridge filed the underlying petition for judicial review in this matter in the Circuit Court for Anne Arundel County (case no. C-02-CV-24-002246). E.31. One date later, Ambridge filed an amended petition. E.33.

---

[5] Although Elec. § 9-209(a) requires petitions brought under that title to be filed in the Circuit Court for Anne Arundel County, as discussed above, Ambridge cannot challenge the constitutionality of the resolution through § 9-209, and so the Circuit Court for Anne Arundel County was not the proper venue for that type of challenge.

Those petitions raised a challenge only under § 9-209, thereby limiting the challenge to the content and arrangement of the ballot. *See* 387 Md. at 666-67; *Ademiluyi*, 466 Md. at 132. On September 9, 2024, Ambridge filed a second amended petition, this time adding a challenge under § 12-202. E.33. Then, on September 12, 2024, Ambridge filed a petition for judicial review in the Circuit Court for *Baltimore* City (case no. C-24-CV-24-002707), which challenged the form and structure of the resolution and sought injunctive and declaratory relief to enjoin the resolution from appearing on the ballot.

If Ambridge believed that a challenge to the constitutionality of the resolution could be brought in Anne Arundel County pursuant to § 9-209, then there would be no need to open another front by raising the same challenge in Baltimore City. That Ambridge did so is all but a concession that Baltimore City was, and is, the proper venue to challenge the constitutionality of the resolution, assuming it could be timely made (which it cannot be at this stage in the election process).

3. A suit challenging the language and nature of the City's proposed charter amendment must include the City as a necessary party.

This action originated as a § 9-209 action limited to a challenge of the content and arrangement of the ballot against the State Board. E.31-32. Thereafter, the nature of this case changed drastically when Ambridge filed its Memorandum in Support of Petitions for Judicial Review, wherein Ambridge raised, for the first

time, the constitutionality of the resolution. Although Ambridge did not specifically request a declaratory relief, the essence of the challenge was a declaration that the Resolution is unconstitutional, and the circuit court *de facto* issued that declaration when granting Ambridge the relief he sought. At that critical juncture, Ambridge was required to join the City as a necessary party.

Pursuant to the Maryland Uniform Declaratory Judgments Act, "a person who has or claims any interest which would be affected by the declaration, **shall** be made a party." Md. Code Ann., Courts and Judicial Proceedings Article ("Cts."), § 3-405(a)(1) (emphasis added); *see Harvey v. State*, 51 Md. App. 113, 118 (1982) ("Whenever the word 'shall' is used, it is mandatory."). Moreover, "[i]n any proceeding which involves the validity of a municipal or county ordinance or franchise, **the municipality or county shall be made a party and is entitled to be heard**." Cts. § 3-405(b) (emphasis added).[6]

Moreover, Maryland Rule 2-211 requires joinder of parties where "complete relief cannot be accorded among those already parties" or "disposition of the action may impair or impede the person's ability to protect a claimed interest relating to the subject of the action." Under those circumstances, the Court "shall order that

---

[6] Although Plaintiffs do not use the term "declaratory relief," the relief requested, and granted, was declaratory in nature.

the person be made a party if not joined as required by this section." Md. Rule 2-211(a)(2).

The City undoubtedly has a direct interest in this matter because the petition for judicial review sought to invalidate a resolution, enacted by the City Council and signed by the Mayor, proposing an amendment to a long-standing provision of the Baltimore City Charter from the necessary vote to approve or disapprove it as required by Section 5 of Article XI-A of the Maryland Constitution. Further, as discussed in more detail below, the bounds of Inner Harbor Park are already enshrined in the Charter. *See* BALTIMORE CITY CHARTER, art. I, § 9. Thus, the City has an unconditional right to be a party to this matter of law under Cts. § 3-405, and was entitled to be heard below because it concerns the validity of a proposed amendment to the Baltimore City Charter enacted by the City Council. Thus, the City has a paramount interest in participating in an action that resulted in a straw vote on the November 5, 2024 General Election ballot.

Indeed, Ambridge's arguments, if accepted, would do more than invalidate a properly enacted resolution of the Mayor and City Council of Baltimore – they would also invalidate the inclusion of the original Section 9 of Article I of the City's Charter as improper charter material. Such claims cannot be adjudicated without the City as a party. *See* Md. Rule 2-211; Cts. § 3-405.

The Baltimore City Charter is the City's constitution. *Maryland State Admin. Bd. of Election Laws v. Talbot Cnty.*, 316 Md. 332, 341 (1988) ("A home rule county charter is a local constitution."). Any challenges concerning the constitutionality of any provision of the City's charter requires the City's presence. *Id.* at 343 (explaining that the State Board and local government were necessary parties in action concerning constitutionality of a home rule county charter); Cts. § 3-405.

4. Even if Elec. § 12-202 can be utilized here, laches should bar this action against the State Board for the reasons it states.[7]

Assuming, *arguendo*, that § 12-202 was the proper vehicle to lodge a challenge to the constitutionality of the Resolution, such a challenge under that section is barred by laches. *See Lamone v. Schlakman*, 451 Md. 468, 484 (2017) ("laches is an inexcusable delay, without necessary reference to duration, in the assertion of a right"); *see also Ross*, 387 Md. at 668 ("Laches "is a defense in equity against stale claims, and is based upon grounds of sound public policy by discouraging fusty demands for the peace of society.").

At the earliest, Ambridge was on notice of the proposed amendment on March 4, 2024 when the City Council passed Council Bill 23-0444 as Ordinance 24-318. E.37. Operative dates also include March 11, 2024 when the Mayor signed

[7] The City adopts, incorporates, and joins the arguments of the State Board and MCB on the issue of laches.

Council Bill 23-0444, and March 12, 2024, when the City Law Department approved the bill for "Form and Legal Sufficiency."

Although the exact language of the ballot question was not publicly posted until September 2, 2024, Ambridge was well aware of the nature of the resolution itself, including its intended purpose, as early as March but no later than April 19, 2024, when he personally contacted the City Law Department about the resolution. Despite having knowledge of the full text of the resolution as early as March and as late as April 2024, Ambridge delayed filing a petition for judicial review challenging the constitutionality of the resolution 139 days, or nearly 5 months, until September 5, 2024 to file suit.

Ambridge's delay prejudiced the City. *See Schlakman*, 451 Md. at 484 (requiring a showing of prejudice). Had Ambridge timely challenged the constitutionality of the resolution, that issue could have been resolved before the ballots had been printed and mailed. *Cf. Baltimore City Bd. of Elections v. Mayor and City Council of Baltimore*, Case No. 0034-2023, and *Frederick v. Baltimore City Bd. of Elections*, Case No. 0035-2023 (each matter concerning a challenge to the constitutionality of a proposed charter amendment timely brought and decided *before* the ballots needed to be printed). That Ambridge delayed in bringing their challenge means that the City and the Baltimore City voters are left with ballots containing a question for which their votes will not be counted. Therefore, laches

bars Ambridge's claims under § 12-202. *See Schlakman*, 451 Md. at 485 (applying laches where "delay was unreasonable and prejudicial to Appellants and the election process.").

II. The circuit court's substantive rulings were legally erroneous.

In addition to the procedural defects that demand reversal that are detailed above (and in the brief of the State Board), the circuit court must also be reversed because its legal conclusions were simply wrong. The City's proposed charter amendment is not prohibited non-charter material, nor does the language of the ballot question preclude an intelligent choice by the voters of Baltimore City. If the local government that the voters of Baltimore City elected is to be allowed to perform the functions that the statutes and constitution of Maryland permit, this Court must return the right to vote, and have those votes counted, to the people..

A. The legislatively proposed charter amendment, which modifies limits on City government authority already present in the charter, is proper charter material.

The circuit court's most obvious legal error was its declaration that the City's legislatively proposed charter amendment was not proper charter material because it was legislative in nature and therefore violated the constitutional provision reserving to county legislatures the power to enact local laws. First, the substance of the proposed amendment is not legislative in nature, at all. Rather, it

is a modification of a charter limitation on the City government's power, which is exactly the type of material this Court has explained is bedrock charter material. Second, even if a charter amendment that was proposed by the local legislative body were legislative in nature, that would in no way run afoul of the constitutional provision reserving legislative power to the local legislative body. The City will address these two points in reverse order.

1. The City's legislative body does not unconstitutionally usurp its own Art. XI-A § 3 legislative power by proposing a charter amendment that is legislative in nature.

As a threshold matter, it is difficult to see how a charter amendment (even if it were legislative in nature) that was proposed and put before the voters by the local legislative body could possibly unconstitutionally violate Art. XI-A § 3's requirement that local legislative bodies "shall have full power to enact local laws." *Id.* The circuit court cited multiple precedents of this Court ("*Cheeks* and its progeny") in support of its ruling that charter amendments of a legislative nature were impermissible, but it fundamentally misunderstood why those cases held that way and completely ignored that those were all petition-initiated amendment proposals. E.23-26; E.72-79. The reason those proposals were all deemed violations of Art. XI-A § 3 – the rent control scheme in *Cheeks*, the arbitration scheme in *Griffith*, the speed-bump prohibition in *Save Our Streets*, etc. – was that they had effectively taken the local legislature entirely out of the legislation

process by initiating legislation through a citizen petition that would then be voted on (and either rejected or made into law) through a plebiscite, without any involvement of the local city or county council.

The fact that voters were involved in the legislative process was not the problem – the problem was that the legislative body was not. This is precisely how the *Cheeks* Court distinguished *Ritchmount v. Anne Arundel Cnty.*, 283 Md. 48 (1978), which affirmed a provision allowing petition-initiated votes on whether to veto local legislation.

> Under the [petition-initiated plebiscite veto] referendum power, the elective legislative body, consistent with [Art. XI-A] s 3, continues to be the primary legislative organ, for it has formulated and approved the legislative enactment referred to the people. The exercise of the legislative <u>initiative</u> power [by a charter-amendment-initiating petition], however, completely circumvents the legislative body, thereby totally undermining its status as the primary legislative organ.

Cheeks v. Cedlair Corp., 287 Md. 595, 613 (1980) (emphasis added); *see also Anne Arundel Cnty. v. Smallwood*, 327 Md. 220, 236–37 (1990) ("voters of a charter county cannot reserve to themselves the power to <u>initiate</u> legislation because such <u>initiative</u> conflicts with the terms of Art. XI–A, § 3") (emphasis added). Thus, a charter amendment (even if of a legislative nature) that is proposed by the elective legislative body cannot possibly conflict with the terms of Art. XI–A, § 3, precisely because that legislative body "continues to be the primary legislative organ, for it has formulated and approved the legislative enactment

referred to the people." *Cheeks*, 287 Md. at 613. Here, the circuit court's ruling that the City Council of Baltimore impermissibly reserved to itself the power to initiate legislation is squarely at odds with simple logic, the express precedent of this Court, and the plain meaning of Art. XI–A, § 3 itself. Accordingly, the circuit court must be reversed.

2. The City's proposed charter amendment properly modifies limits to governmental power rather than affirmatively exercising that power.

Even if the City Council of Baltimore could usurp its own Art. XI–A, § 3 legislative power by proposing a charter amendment that was legislative in nature, it did not do so here because the proposed charter amendment is not legislative in nature. Rather, it modifies a pre-existing charter limitation on the City's own governmental power. The circuit court reached the opposite conclusion by erroneously declaring that "Question 'F' sets out to rezone Inner Harbor Park in both use and size, full stop." E.25 (emphasis added). This is obviously and demonstrably false.

Nothing in the proposed charter amendment, or the language of Question F putting the amendment before the voters, even mentions zoning. *See* E.48 (language as it appears on the ballot); E.37-38 (Ordinance 24-318 - "A Resolution of the Mayor and City Council Concerning Charter Amendment – Inner Harbor Park"). Rather, the only action it takes is an amendment to the restrictions already

in the charter on the use of the City-owned land surrounding the Inner Harbor. *Id.* Indeed, far from trying to include zoning legislation within a charter amendment, the City passed two other ordinances on the same day as the resolution. Those ordinances, which are separate pieces of legislation, do not need to go before the voters, and do not enter the charter) are the instruments that actually rezone the area including Inner Harbor Park. *See* Ordinance 24-319 ("An Ordinance Concerning Zoning C-5-IH Inner Harbor Subdistrict – Amendment") *and* Ordinance 24-320 ("An Ordinance Concerning Urban Renewal – Inner Harbor Project I – Amendment 21"), attached as Apx.1-12.[8]

The restrictions that the proposed charter amendment modifies are <u>not</u> the detailed zoning restrictions that limit how anyone can use any land in the area; they are general restrictions on how and whether the government can use or dispose of a particular piece of government-owned land. The specific and detailed changes to the zoning of the area was done by the passage of normal ordinances, as it should be. *See id.*

---

[8] Legislation passed by the Baltimore City Council, including these ordinances and the charter amendment resolution, are a readily verifiable government record publicly available on the City Council's Legistar webpage, baltimore.legistar.com (last visited September 26, 2024). For instance, legislative details and the text of all three can be obtained by clicking on the Legislation tab and searching "Inner Harbor."

The circuit court's only rationale for characterizing the City's proposed charter amendment as zoning legislation was that contains a "metes and bounds description" and "permitted uses" in its language, such that she suggested it leaves "little, if any, discretion to Baltimore City's legislature." E.25-26. Leaving aside for the moment the fact that most of the language describing the area and uses that the circuit court found objectionable already existed in the charter provision being amended[9] – the amendment adds only 24 words and one number to the text of the provision – the assertion that <u>the amendment</u> leaves little zoning discretion to the City is simply untrue. Even for the area that the charter provision at issue restricts, the City still can, must, <u>and did</u> use its legislative discretion to set zoning rules through normal legislation. *See* Ordinance 24-319 (adding mixed-use, removing low-scaled restriction, and removing maximum height in C-5-IH Inner Harbor Subdistrict) *and* Ordinance 24-320 (making multiple revisions to the Urban Renewal Plan for Inner Harbor Project I, including changes to floodplain, critical area, parking, and controls "to ensure that public access to the waterfront be maximized, opportunities for visual enjoyment of the water be created and/or

---

[9] Any strained rationale that would find the substance of the City's charter amendment invalid as improper for inclusion in the charter would almost certainly need to find invalid the entire provision of the charter that the City was attempting to amend (Art. I, § 9) as well as several other provisions of the charter that restrict the use and alienability of City property. The City believes that Appellant MCB HP Baltimore LLC will be addressing this argument in its brief.

preserved, and contrast and variety of building facades along the waterfront be maintained”); Apx.1-12. This robust, utilized discretion amply demonstrates that the amendment is not legislative, as this Court explained in *Save Our Streets v. Mitchell*, 357 Md. 237 (1998):

> [T]he length and detail of a proposed charter amendment are not dispositive as to whether the proposed amendment constitutes legislation…. An important consideration is the degree to which the county council retains discretion and control regarding an area under its authority.…

Id. at 253. Here, the City Council obviously retains – and is expressly exercising – exactly the legislative authority to zone this area that the circuit court erroneously concluded the charter amendment was taking away.

Not only that, but to whatever extent the circuit court believed that the charter provision being amended places too great a restriction on the City’s legislative power, the current proposed amendment lessens that restriction. A charter amendment cannot be deemed invalid for taking away too much discretion from a local legislative body when the substance of the amendment actually gives that local legislative body more discretion.

Moreover, this Court has “repeatedly explained that a county charter is equivalent to a constitution” and that “[l]imitations imposed by the people on their government are fundamental elements of a constitution.” *Anne Arundel Cnty. v. Smallwood*, 327 Md. 220, 236-37 (1990).

> The Maryland Declaration of Rights and the Bill of Rights to the United States Constitution largely represent limitations on governmental power. … The Constitution of the United States, the Constitution of Maryland, and the charters of [Maryland] counties, are replete with provisions limiting the power of governments to raise and appropriate revenue. Thus, a limitation on the power of a legislative body to raise revenue is at the heart of the form and structure of our government and thus is proper charter material.

Id. at 237-38. And just as constitutions and charters routinely put limits on the power of governments to raise and appropriate revenue, the City charter is likewise replete with provisions controlling and limiting the City's power to use and alienate City-owned property.

The baseline default rule set forth in the City's charter is that the City may use or dispose of its own property "in the manner and upon the terms provided in the Charter." Art. I, § 3. So the charter itself says that the charter will set limitations on what the City does with its property, and then it does so. These limitations range from the fairly sweeping, such as Art. VIII, § 1, which declares "to be inalienable" a long list of City property including "its waterfront, wharf property, land under water, public landings, wharves and docks, streets, lanes, and <u>parks</u>, its sewer system and water-supply system … and its underground conduit system," (emphasis added), to the relatively narrow, such as Art. I, § 9, which declares the land between the three streets surrounding the Inner Harbor and its shoreline (from the World Trade Center to the end of Rash Field) to be one such inalienable park, with certain special features. The City's charter sets rules for

leasing park property in Art. VII, § 67; *see also Green v. Garrett*, 192 Md. 52, 57 (1949) (approving Orioles' lease of Baltimore Stadium property on property formerly known as Venable Park because did not exclude the public nor destroy the park purpose nor exceed the powers provided in the charter). And if the City wishes to let an inalienable piece of its park property be used in a way that excludes the public, the charter sets rules for granting the user a franchise (Art. VIII, §§ 1-8), granting a minor privilege (Art. VIII, § 9), or determining that the land should no longer be dedicated for public use (Art. V, § 5).

All of these charter provisions set or adjust the limits on the City's power to use or dispose of City-owned property in certain ways, and limits such as these are what the *Smallwood* Court called "fundamental elements" of a charter. *See* 327 Md. at 236-37. Accordingly, if the circuit court were correct that the City's proposed amendment is not charter material because it modifies a charter limit on how the City may use its property, that would call into question not just this amendment but all the charter provisions discussed above, and more dealing with other such restrictions, as well as decades (if not centuries) worth of sales, leases, and franchise agreements that were based on these provisions. Fortunately, it is abundantly clear that the circuit court was incorrect.

The City's legislative body did not improperly exercise its legislative zoning authority in proposing the charter amendment. It properly exercised that by

passing separate zoning ordinances the same day. The amendment to charter does exactly what a charter amendment should do – it adjusts the authority that the City government wields. For this reason as well, the circuit court must be reversed.

B. The language appearing on the ballot for the legislatively proposed charter amendment, which uses the same language utilized in the charter provision being amended and the resolution enacted to propose the amendment, is accurate, non-misleading, and provides voters in Baltimore City with the opportunity to make an intelligent choice.

This Court has made absolutely clear that judicial review of a ballot language is "not concerned with the question of whether this Court, the trial court, or any of the numerous advocates on either side of this issue, are capable of drafting better ballot language." *Kelly v. Vote Know Coal. of Maryland, Inc.*, 331 Md. 164, 174–75 (1993). Rather, such review "is limited to discerning whether the language certified conveys with reasonable clarity the actual scope and effect of the measure." *Stop Slots MD 2008 v. State Bd. of Elections*, 424 Md. 163, 204 (2012) (cleaned up) (quoting *Kelly*, 331 Md. at 174 (quoting *Surratt v. Prince George's County*, 320 Md. 439, 447 (1990))). This Court will "hold that the ballot question language [i]s sufficient, [when] it accurately, although succinctly, conveys the effect of the proposed amendment." *Stop Slots*, 424 Md. 169.

In this case, a judge of the Circuit Court of Anne Arundel County, who neither works nor resides in Baltimore City and who is apparently unfamiliar with the streets, landmarks, and attractions that surround the City's Inner Harbor, acted

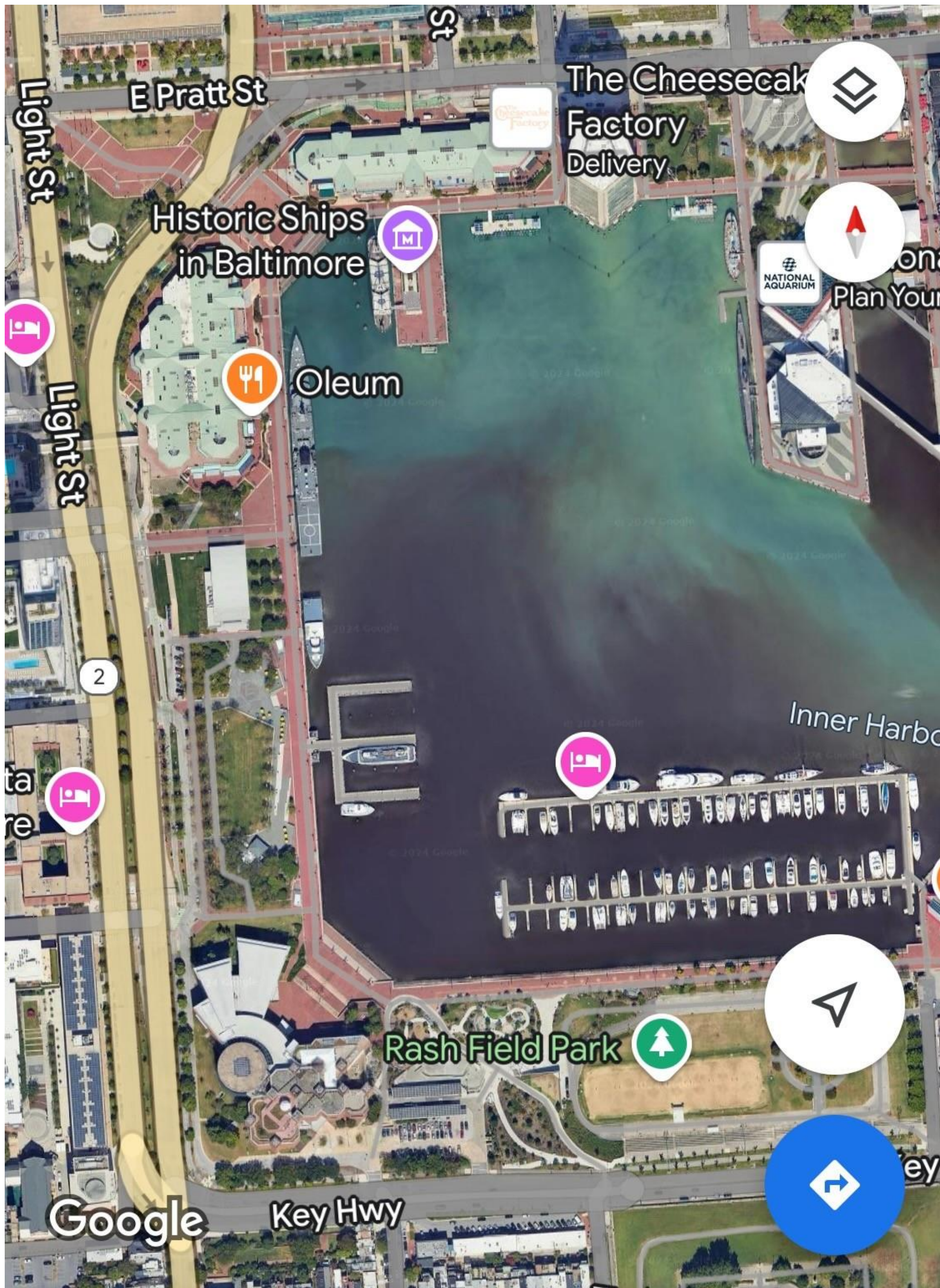
contrary to these binding instructions from this Court and ruled that the language that the City proposed for the ballot is impermissibly unclear, apparently because the circuit court thought it could have been written better. *See* E.28-29 (faulting the City for using the language in the charter provision being amended to describe what the City proposes to amend). To compound both the insult and the injury to the people of Baltimore City, their elected officials, and their right to self-determination, the circuit court did not order corrective actions (ballot inserts, explanatory emails or mailings to mail-in ballot recipients, notices at polling places, etc.) to provide clarifications to the voters' choice, but rather its order took away the voters' choice entirely. The circuit court's ruling was contrary to both the binding precedents of this Court and to the dictates of common sense, and accordingly must be reversed.

The text of the charter provision that the City wishes to amend reads as follows:

> **Article I**
> **General Provisions**
>
> …
>
> **§ 9. Inner Harbor Park.**
>
> There is hereby dedicated to public park uses for the benefit of this and future generations of the City of Baltimore and the State of Maryland 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 to and including Rash Field, except that, in order to provide eating places and other commercial uses, areas totalling not more than 3.2 acres plus access thereto, within the dedicated space and north of an easterly extension of the south side of Conway Street shall be set aside for such purposes; and except that in order to provide outdoor eating places for the areas known as West Shore Park and Rash Field, areas totalling not more than 0.5 acres within the dedicated space and south of an easterly extension of the south side of Conway Street shall be set aside for such purposes; and except that an area of not more than 3.4 acres shall be set aside for use by the Maryland Science Center, plus access thereto.

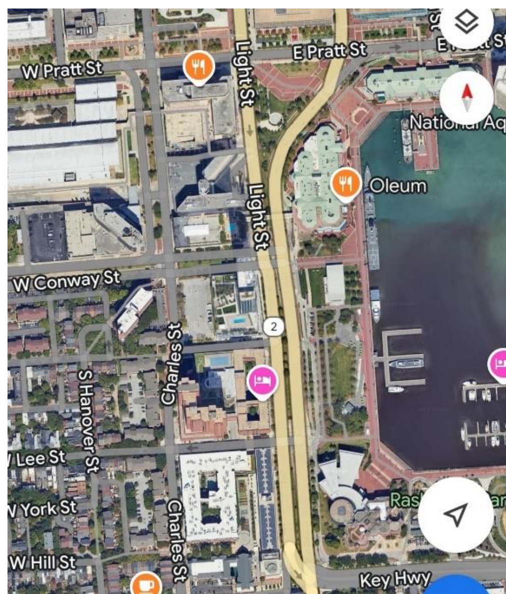
This charter provision defines the area of Inner Harbor Park as "the portion of the City that lies along the north, west and south shores of the Inner Harbor, south of Pratt Street to the water's edge, east of Light Street to the water's edge and north of Key Highway to the water's edge, from the World Trade Center around the shoreline of the Inner Harbor to and including Rash Field." *Id.* This language is very precise and easily understandable to anyone who has a passing familiarity with Baltimore's Inner Harbor (which includes Baltimore residents), or who has ready access to a map, or even a phone with a mapping application. Just in case:



As can be seen on this map, and as is common knowledge in Baltimore City, the three non-water sides of the Inner Harbor are boxed in by Pratt Street, Light Street, and Key Highway. *Id.* The World Trade Center is the tall pentagonal building on the northern edge of the water and Rash Field lies along the southern edge. *Id.* So

the provision delineates the area as the land boxed in by these three streets and the water, running from the only tall building on the water to the end of the open field on the south side. It is not difficult to understand what area is being discussed. Indeed, if one actually reads it (as opposed to skimming it), it is nearly impossible to misunderstand because the language is precise.

The charter reserves this area "for public park uses," but makes an exception for "eating places and other commercial uses" in "areas totaling not more than 3.2 acres plus access thereto, within the dedicated space and north of an easterly extension of the south side of Conway Street." This language allows the mall pavilions to exist in Inner Harbor Park but limits them to the portion of the park north of Conway Street. As most Baltimore voters are aware, Conway Street is the road that runs between Camden Yards and the Inner Harbor. Again, just in case:



As the map shows, and as Baltimoreans are aware, “the easterly extension of the south side of Conway Street” is the line where the northern portion of the Inner Harbor containing the mall pavilions stops and where the southern portion of the Inner Harbor containing open green space and the Maryland Science Center begins. *Id.*

This exact language has been in this provision of the charter, and has limited how the City can use and develop this area for more than four decades. Even Baltimoreans who have never read any part of their City’s charter know the streets and landmarks described in this language, and they know at the very least that there are mall pavilions with restaurants and shops in the portion north of Conway Street and that there are open green spaces and a museum south of Conway Street.

Thus, when the City Council decided to propose an amendment to this provision that would increase the size of the areas devoted to commercial uses by 1.3 acres and allow two more commercial uses in those areas (namely, multifamily dwellings and off-street parking), but leave as much as possible of the rest of the restrictions the same (i.e., no changes to the portion south of Conway Street, and as much as possible of the northern portion still a park[10]), it used the same language

[10] Whatever area within the reserved commercial areas that are eventually developed into off-street parking or multifamily residential development (not the whole 4.5 acres, but whatever part of it is used for this) cannot remain part of a park because those two uses exclude the public and therefore cannot be deemed a public park use under Maryland precedent. *See, e.g., Green v. Garrett*, 192 Md. 52, 57

that had been in the charter for decades describing what was already there, what was and is familiar to the residents and voters of Baltimore City. Indeed, the resolution proposing the charter amendment adds only 24 words and one number to the text of the charter, and describes the purpose of the amendment in terms of the charter's own language. *See* E.37-38 (Ordinance 24-318). The purpose was therefore described by the City Council's resolution as:

> 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, but making clear that the 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.

(1949). The City routinely declares all or part of a park, a street or other City-owned parcel "no longer needed for public use" because that is required by the City before the land can be disposed of or leased by the City's Department of Real Estate in the City Comptroller's Office. City Charter, Art. V, § 5(b) ("The Department shall (unless and to the extent otherwise provided by the Board of Estimates) arrange for the disposition of any building or parcel of land (or any other real property) no longer needed by the City for public use.") and § 5(c) ("The Department is authorized to lease any building or parcel of land (or any other real property) not needed by the City for public purposes"). Just this term, the City has declared 23 different parcels of property to be no longer needed for public use. *See* Ordinances 24-340; 24-334; 24-299; 24-323; 24-339; 23-273; 23-270; 23-188; 23-272; 23-237; 23-194; 23-193; 22-187; 23-265; 22-153; 22-154; 22-150; 22-142; 22-138; 22-128; 22-137; 22-109; 21-103. Because the designation of the Inner Harbor area as park is in the charter, however, the language allowing part of it to be deemed no longer part of a park must also be included in the charter.

E.37. Likewise, when the Baltimore City Law Department then took this proposed amendment, with this statutorily designated purpose, and formulated language to express to the voters of Baltimore City exactly what it would do if adopted, in order to allow them to exercise an intelligent choice, it used nearly exactly the same language – taken from the charter provision that was being amended itself – so that the precise changes proposed could be put before the public in as neutral and accurate a form as possible. *See* E.48 (Ballot Language).

> 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.

Id. This language is completely accurate, in no way misleading, and clearly explains to the voter exactly what is being proposed for approval.

From the start, this language immediately identifies in the very heading that it is a charter amendment concerning "Inner Harbor Park." *Id.* It then specifies that it proposing amending the provision of the charter that dedicates "for public

park uses" the specific land specified in the charter using essentially verbatim the same language that the charter uses to specify that land. *Compare id. with* Baltimore City Charter, Art. I, § 9. Although both Ambridge and the circuit court fault the City for using the charter language to describe what the charter amendment is amending, asserting that "the descriptive language of metes and bounds is unnecessary verbiage," E.28, specifying exactly what land is at issue is actually important to avoid a potential source of significant confusion.

Because some people mistakenly believe that parks are only areas with grass and trees, they may not realize that the portion of Inner Harbor Park north of Conway Street – the part with the mall pavilions – is actually part of the park. Therefore, if the City had simply used the less precise language of simply saying it was making these changes to Inner Harbor Park, many Baltimore voters could have mistakenly believe the City proposed to allow areas of commercial uses in the parts of the park that are currently open green spaces, such as West Shore Park and Rash Field, rather than in the parts of the park that already contain significant commercial use (i.e. the mall pavilions).

The circuit court asserts that the language of the 2016 charter amendment ballot question, which simply referred to Inner Harbor Park instead of using the charter language as well, shows that the charter language is unnecessary here, E.29, but there was no such potential for confusion in 2016 because that

amendment proposal expressly concerned the stereotypically park-like areas of the park – namely, West Shore Park and Rash Field – and whether to allow outdoor eating places in them, *id.* Whether a voter knows that the park includes the mall pavilions is not particularly material to the question of whether to allow food sellers in West Shore Park and Rash Field. But when the question is whether to make a large commercial area with two new uses in the park, which could exclude part of the commercial area from the park altogether, it is material to the voters' decision that they know the full boundaries of the park as it stands and that the commercial area and new uses proposed will be contained in the area north of Conway Street that already has significant commercial development.

This charter amendment is admittedly a more complex alteration of the park, but accurately conveying complexity is not the same thing as being unclear. Perhaps another wordsmith could have accurately conveyed all the necessary intent of the Question with fewer words, but this Court has made clear that judicial review of ballot questions is "not concerned with" the possibility of "better ballot language," *Kelly,* 331 Md. at 174–75, but merely demands "reasonable clarity" as to "the actual scope and effect of the measure," *Stop Slots*, 424 Md. at 204. The City's language does that.

Once the City's ballot language uses the charter language to describe the area of the park, it sets forth the proposed changes – that the charter provision be

amended "with a maximum of 4.5 acres" north of Conway Street (again using the charter's precise language – i.e., "north of an easterly extension of the south side of Conway Street" – to be entirely accurate) "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 public park or for public benefit." E.48.

This language conveys, with at least the necessary "reasonable clarity," that there will be an area no larger than 4.5 acres where commercial development is allowed, that it will be north of Conway Street (i.e., where everyone knows the mall pavilions already exist), that multifamily dwellings and off-street parking will now be allowed, and that any parts of this area used for such dwellings or parking will no longer be part of the public park. *See* E.48. That is what the amendment does, and that is what this language conveys to any reasonable, good-faith reader.

On the other hand, clever and ambitious lawyers can use their skill to make even the most straightforward language a mess by, for example, straining to find non-obvious ways that phrases *could* be read, in theory (if one did not want the sentence to make any sense), or by pointing out the multitude of definitions available for the word "as" instead of simply applying the one that makes sense in the context of the words around it. This kind of sophistry is a curious intellectual

party trick, but it has no bearing on whether Baltimore City voters will understand what is being asked of them when they cast their ballots.

Looking at the ballot itself, it is clear that Baltimore City voters will understand the language in Question F on whether they want to allow the City to allow apartments and parking in the commercial area of Inner Harbor Park, even though the areas used that way will no longer be part of the park. E.48. In the same way, they will understand the language above it in Question E on whether to make the Baltimore City Police Department a City agency again, *id.*, and they will understand the language two pages back in Question 1 on reproductive freedom, E.46. They will even understand, if they can bring themselves to read it (nobody ever said democracy was easy), the language in the lengthy Questions A through D on bond issues. E.46-47. There is no reason to think that voters will have any more difficulty understanding Question F.

More to the point, there is no reason to think that Question F is any less clear than the "Abortion Law Revision" ballot language that this Court deemed acceptable in *Kelly*. *Compare* 331 Md. at 168–69 *with* E.48. Nor is there any reason to think that Question F is any less clear than the "Authorizing Video Lottery Terminals (Slot Machines) to Fund Education" ballot language that this Court deemed acceptable in *Stop Slots*. *Compare* 424 Md. at 174 *with* E.48. Indeed, the challengers of the language in those cases made exactly the same sorts

of arguments that Ambridge made below here – that language was too vague, that misunderstandings were possible, that different drafting should have been used, that it could have been clearer, that more or different things should have been said – but this Court rejected those challenges because the ballot language "accurately and in a non-misleading manner, apprise[d] the voters of the true nature of the legislation upon which they are voting." *Stop Slots*, 424 Md. at 192 (quoting *Kelly*, 331 Md. at 172 (quoting *Anne Arundel County v. McDonough*, 277 Md. 271, 296 (1976))).

In contrast, the language that this Court invalidated <u>after</u>[11] the vote was held in *McDonough* made it literally impossible to discern what result was being voted for or against. *See* 277 Md. at 278 (single question posed for 41 different amendments to comprehensive rezoning, with no was to discern which specific properties were involved, and the question asked if voter was merely "for" or "against," with no way to know whether "for" supported the rezoning or the amendments to the rezoning). The City's language here is nothing like the incomprehensible language in *McDonough* because the City's language in

---

[11] Because *McDonough* was adjudicated <u>after</u> the election, there was no corrective measures that could be taken to clarify the language, so invalidation of the vote was the only available remedy. That would not be the case here, as website notices, emails, letters, signs, media campaigns, etc., could still be utilized to correct any alleged deficiencies of clarity in the already printed ballots. Even if the City's language were flatly insufficient, invalidation (i.e. disenfranchisement) would still be an improper remedy here.

Question F explains exactly what land would be altered (north of Conway, between Light and Pratt and the water) and what would happen (4.5-acre maximum area of commercial uses allowed, with two new uses, but either of which would result in the land used for that use to be removed from the park). Question F may not be terribly eloquently written, but it gets the meaning across accurately without misleading anyone and with reasonable clarity. Thus, Question F gives Baltimore City voters the opportunity to make an intelligent choice, and it is up to this Court to reverse the circuit court's ruling so that the voters' choice can be heard.

CONCLUSION

For all the above reasons, the Mayor and City Council of Baltimore respectfully asks that the judgment of the circuit court be reversed. The voters of Baltimore City must be given the opportunity to vote on the charter amendment that their elected officials properly proposed, and the choice that Baltimore City's voters make must be honored.

Respectfully submitted,

EBONY M. THOMPSON
City Solicitor

STEPHEN SALSBURY
Deputy City Solicitor

MATTHEW BRADFORD
Chief of Staff

HILARY P. RULEY
Chief Solicitor

DEREK VAN DE WALLE
Assistant Solicitor

MICHAEL REDMOND
(CPF#0801030028)
Director, Appellate Practice Group

BALTIMORE CITY LAW DEPARTMENT
100 Holliday Street
Baltimore, Maryland 21202
(410) 396-7536
Michael.Redmond@baltimorecity.gov

Counsel for Appellee Mayor and City Council of Baltimore

Font: Times New Roman 14

CERTIFICATION OF WORD COUNT
AND COMPLIANCE WITH RULE 8-112

I hereby certify that:

1. This brief contains 11,164 words, excluding the parts of the brief exempted from the word count by Rule 8-503.
2. This brief complies with the font, spacing and type size requirements stated in Rule 8-112.

____
MICHAEL REDMOND

TEXT OF PERTINENT AUTHORITIES

Constitutional Provisions

MD Constitution, Art. 11-A, § 2

§ 2. Grant of express powers

The General Assembly shall by public general law provide a grant of express powers for such County or Counties as may thereafter form a charter under the provisions of this Article. Such express powers granted to the Counties and the powers heretofore granted to the City of Baltimore, as set forth in Article 4, Section 6, Public Local Laws of Maryland, shall not be enlarged or extended by any charter formed under the provisions of this Article, but such powers may be extended, modified, amended or repealed by the General Assembly.

MD Constitution, Art. 11-A, § 3

§ 3. Legislative bodies

Every charter so formed shall provide for an elective legislative body in which shall be vested the law-making power of said City or County. Such legislative body in the City of Baltimore shall be known as the City Council of the City of Baltimore, and in any county shall be known as the County Council of the County. The chief executive officer or County Executive, if any such charter shall provide for the election of such executive officer or County Executive, or the presiding officer of said legislative body, if such charter shall not provide for the election of a chief executive officer or County Executive, shall be known in the City of Baltimore as Mayor of Baltimore, and in any County as the President or Chairman of the County Council of the County, and all references in the Constitution and laws of this State to the Mayor of Baltimore and City Council of the City of Baltimore or to the County Commissioners of the Counties, shall be construed to refer to the Mayor of Baltimore and City Council of the City of Baltimore and to the President or Chairman and County Council herein provided for whenever such construction would be reasonable. From and after the adoption of a charter by the City of Baltimore, or any County of this State, as hereinbefore provided, the Mayor of Baltimore and City Council of the City of Baltimore or the County Council of said County, subject to the Constitution and Public General Laws of this State, shall have full power to enact local laws of said City or County including the power to repeal or amend local laws of said City or County enacted by the General

Assembly, upon all matters covered by the express powers granted as above provided, and, as expressly authorized by statute, to provide for the filling of a vacancy in the County Council or in the chief executive officer or County Executive by special election; provided that nothing herein contained shall be construed to authorize or empower the County Council of any County in this State to enact laws or regulations for any incorporated town, village, or municipality in said County, on any matter covered by the powers granted to said town, village, or municipality by the Act incorporating it, or any subsequent Act or Acts amendatory thereto. Provided, however, that the charters for the various Counties shall specify the number of days, not to exceed forty-five, which may but need not be consecutive, that the County Council of the Counties may sit in each year for the purpose of enacting legislation for such Counties, and all legislation shall be enacted at the times so designated for that purpose in the charter, and the title or a summary of all laws and ordinances proposed shall be published once a week for two successive weeks prior to enactment followed by publication once after enactment in at least one newspaper of general circulation in the county, so that the taxpayers and citizens may have notice thereof. The validity of emergency legislation shall not be affected if enacted prior to the completion of advertising thereof. These provisions concerning publication shall not apply to Baltimore City. All such local laws enacted by the Mayor of Baltimore and City Council of the City of Baltimore or the Council of the Counties as hereinbefore provided, shall be subject to the same rules of interpretation as those now applicable to the Public Local Laws of this State, except that in case of any conflict between said local law and any Public General Law now or hereafter enacted the Public General Law shall control.

MD Constitution, Art. 11-A, § 5

§ 5. Charter amendments

Amendments to any charter adopted by the City of Baltimore or by any County of this State under the provisions of this Article may be proposed by a resolution of the Mayor of Baltimore and the City Council of the City of Baltimore, or the Council of the County, or by a petition signed by not less than 20% of the registered voters of the City or County, provided, however, that in any case 10,000 signatures shall be sufficient to complete a petition. A petition shall be filed with the Mayor of Baltimore or the President of the County Council. An amendment so proposed shall be submitted to the voters of the City or County at the next general or congressional election occurring after the passage of the resolution or the filing of the petition. If at the election the majority of the votes cast for and against the

amendment shall be in favor thereof, the amendment shall be adopted and become a part of the charter of the City or County from and after the thirtieth day after said election. The amendments shall be published by the Mayor of Baltimore or President of the County Council once a week for five successive weeks prior to the election in at least one newspaper published in said City or County.

Statutes

Md. Code Ann., Courts & Judicial Proceedings, § 3-405.

Persons with interest affected by declaration

(a)(1) If declaratory relief is sought, a person who has or claims any interest which would be affected by the declaration, shall be made a party.

(2) Except in a class action, the declaration may not prejudice the rights of any person not a party to the proceeding.

Municipalities or counties

(b) In any proceeding which involves the validity of a municipal or county ordinance or franchise, the municipality or county shall be made a party and is entitled to be heard.

Attorney General

(c) If the statute, municipal or county ordinance, or franchise is alleged to be unconstitutional, the Attorney General need not be made a party but, immediately after suit has been filed, shall be served with a copy of the proceedings by certified mail. He is entitled to be heard, submit his views in writing within a time deemed reasonable by the court, or seek intervention pursuant to the Maryland Rules.

Md. Code Ann., Courts & Judicial Proceedings, § 6-201.

In general

(a) Subject to the provisions of §§ 6-202 and 6-203 of this subtitle and unless otherwise provided by law, a civil action shall be brought in a county where the defendant resides, carries on a regular business, is employed, or habitually engages

in a vocation. In addition, a corporation also may be sued where it maintains its principal offices in the State.

Multiple defendants

(b) If there is more than one defendant, and there is no single venue applicable to all defendants, under subsection (a) of this section, all may be sued in a county in which any one of them could be sued, or in the county where the cause of action arose.

Md. Code Ann., Election Law, § 1-101.

In general

(a) In this article the following words have the meanings indicated unless a different meaning is clearly intended from the context.

Absentee ballot

(b) "Absentee ballot" means a ballot not used in a polling place.

Address confidentiality program

(b-1) "Address confidentiality program" means the Address Confidentiality Program administered by the Secretary of State under Title 7, Subtitle 3 of the State Government Article.

Administrative policy affecting voting rights

(b-2) "Administrative policy affecting voting rights" means any action relating to voter registration, provisional voting, absentee voting, or the location of a polling place or early voting center.

Authorized candidate campaign committee

(c) "Authorized candidate campaign committee" means a political committee established under Title 13 of this article and authorized by a candidate to promote the candidate's candidacy.

Ballot or official ballot

(d)(1) "Ballot" or "official ballot" includes:

(i) an absentee ballot;

(ii) a provisional ballot;

(iii) a document ballot; or

(iv) a voting machine ballot.

(2) "Ballot" or "official ballot" does not include:

(i) a sample ballot; or

(ii) a specimen ballot.

Ballot drop box

(d-1) "Ballot drop box" means a secure, durable, and weatherproof container that is officially designated by a local board or the State Board exclusively for voters to deposit election-related materials in person, including:

(1) absentee ballots;

(2) absentee ballot applications; and

(3) voter registration applications.

Ballot face

(e) "Ballot face" means a single side of a sheet on which are printed some or all of the contests to be voted on by a voter.

Ballot issue committee

(f) "Ballot issue committee" means a political committee that is formed to promote the success or defeat of a question or prospective question to be submitted to a vote at an election.

Ballot style

(g) "Ballot style" means a unique aggregation of contests that make up the ballot for a particular group of voters identified by common characteristics of residence location, party affiliation, or both.

Campaign finance entity

(h) "Campaign finance entity" means a political committee established under Title 13 of this article.

Campaign finance report

(i) “Campaign finance report” means a report, statement, affidavit, or other document that is:

(1) authorized or required under this article;

(2) related to the campaign finance activities of a campaign finance entity or to expenses associated with a legislative newsletter; and

(3) filed or submitted on a form prescribed by the State Board under this article.

Campaign manager

(j) “Campaign manager” means a person designated by a candidate, or the candidate's representative, to exercise general overall responsibility for the conduct of the candidate's political campaign.

Campaign material

(k)(1) “Campaign material” means any material that:

(i) contains text, graphics, or other images;

(ii) relates to a candidate, a prospective candidate, or the approval or rejection of a question or prospective question; and

(iii) is published, distributed, or disseminated.

(2) “Campaign material” includes:

(i) a qualifying paid digital communication;

(ii) any other material transmitted by or appearing on the Internet or other electronic medium;

(iii) an oral commercial campaign advertisement; and

(iv) an automated or prerecorded oral communication.

Candidate

(l)(1) “Candidate” means an individual who files a certificate of candidacy for a public or party office.

(2) “Candidate” includes:

(i) an incumbent justice of the Supreme Court of Maryland or Appellate Court of Maryland at an election for continuance in office; and

(ii) an individual, prior to that individual filing a certificate of candidacy, if a campaign finance entity has been established on behalf of that individual.

Central committee

(l-1)(1) "Central committee" means a political committee for a political party established under Title 4 of this article.

(2) "Central committee" includes a political committee for a political party that engages in campaign finance activity that is subject to Title 13 of this article.

Contest

(m)(1) "Contest" means:

(i) the aggregate of candidates who run against each other or among themselves for nomination for, or election to, an office or multiple offices of the same category; or

(ii) the positive and negative voting options for a question submitted to the voters.

(2) "Contest" includes, in a general election for an office, the write-in option.

Continuing political committee

(n) "Continuing political committee" means a political committee that is permitted to continue in existence from year to year.

Contribution

(o)(1) "Contribution" means the gift or transfer, or promise of gift or transfer, of money or other thing of value to a campaign finance entity to:

(i) promote or assist in the promotion of the success or defeat of a candidate, political party, question, or prospective question; and

(ii) assist in the payment of expenses associated with contesting an election under Title 12 of this article.

(2) "Contribution" includes:

(i) proceeds from the sale of tickets to a campaign fund-raising event; and

(ii) a coordinated expenditure as defined in § 13-249 of this article.

(3) "Contribution" does not include the costs associated with the establishment, administration, or solicitation of voluntary contributions to a political action committee established by a corporation, limited liability company, general

partnership, limited partnership, membership organization, trade association, cooperative, or corporation without capital stock as long as the political action committee only solicits contributions from employees of the organization that established the political action committee, or members of the organization that established the political action committee, and the employees or members are participating in a payroll deduction program established by the employer of the employee or member.

County

(p) "County" means a county of the State or Baltimore City.

Disabled

(q) "Disabled" means having a temporary or permanent physical disability.

Distributor

(r)(1) "Distributor" means a person engaged for profit in the distribution of campaign material by hand delivery or direct mail.

(2) "Distributor" does not include salaried employees, agents, or volunteers of the person.

Document ballot

(s)(1) "Document ballot" means a ballot used with a voting system in which the voter individually is issued a ballot on which to indicate one or more votes.

(2) "Document ballot" includes:

(i) a machine-read ballot, such as an optically scanned ballot; and

(ii) a hand-counted paper ballot.

Driver's license

(t) "Driver's license" includes an identification card issued by the Motor Vehicle Administration.

Elderly

(u) "Elderly" means 65 years of age or older.

Election

(v)(1) “Election” means the process by which voters cast votes on one or more contests under the laws of this State or the United States.

(2) “Election” includes, unless otherwise specifically provided in this article, all general elections, primary elections, and special elections.

(3) “Election” does not include, unless otherwise specifically provided in this article, a municipal election other than in Baltimore City.

Election cycle

(w) “Election cycle” means the period that begins on the January 1 that follows a gubernatorial election and continues until the December 31 that is 4 years later.

Election register

(x) “Election register” means the list of voters eligible to vote:

(1) in a precinct on election day; or

(2) in a county early voting center during early voting.

Electronic signature

(y) “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

Electronic storage format

(z) “Electronic storage format” means a computer disk or other information storage and retrieval medium approved by the State Board.

Expenditure

(aa) “Expenditure” means a gift, transfer, disbursement, or promise of money or a thing of value by or on behalf of a campaign finance entity to:

(1) promote or assist in the promotion of the success or defeat of a candidate, political party, question, or prospective question at an election;

(2) pay expenses associated with contesting an election under Title 12 of this article; or

(3) pay for the publication expense of a legislative newsletter under Title 13, Subtitle 4 of this article.

Historically disenfranchised communities

(aa-1) “Historically disenfranchised communities” means racial, ethnic, or socioeconomic groups that have historically been subject to voter suppression efforts.

Independent expenditure

(bb)(1) “Independent expenditure” means a gift, transfer, disbursement, or promise of money or a thing of value by a person expressly advocating the success or defeat of a clearly identified candidate or ballot issue if the gift, transfer, disbursement, or promise of money or a thing of value is not made in coordination, cooperation, consultation, understanding, agreement, or concert with, or at the request or suggestion of, a candidate, a campaign finance entity of a candidate, an agent of a candidate, or a ballot issue committee.

(2) For purposes of this subsection, “clearly identified” means:

(i) the name of the candidate appears;

(ii) a photograph or drawing of the candidate appears; or

(iii) the identity of the candidate or ballot issue is apparent by unambiguous reference.

Institution of higher education

(bb-1) “Institution of higher education” has the meaning stated in § 10-101 of the Education Article.

Legislative party caucus committee

(bb-2) “Legislative party caucus committee” means a political committee that is established to promote the election of candidates of a single political party to one of the two Houses of the General Assembly.

Local board

(cc) “Local board” means a county board of elections.

Majority party

(dd) “Majority party” means the political party to which the incumbent Governor belongs, if the incumbent Governor is a member of a principal political party. If the incumbent Governor is not a member of one of the two principal political parties,

"majority party" means the principal political party whose candidate for Governor received the highest number of votes of any party candidate at the last preceding general election.

Online platform

(dd-1) "Online platform" means any public-facing website, web application, or digital application, including a social network, ad network, or search engine, that:

(1) has 100,000 or more unique monthly United States visitors or users for a majority of months during the immediately preceding 12 months; and

(2) receives payment for qualifying paid digital communications.

Partisan organization

(ee) "Partisan organization" means a combination of two or more individuals formed for the purpose of organizing a new political party.

Political action committee

(ff) "Political action committee" means a political committee that is not:

(1) a political party;

(2) a central committee;

(3) a slate;

(4) a legislative party caucus committee;

(5) an authorized candidate campaign committee; or

(6) a ballot issue committee.

Political committee

(gg) "Political committee" means a combination of two or more individuals that has as its major purpose promoting the success or defeat of a candidate, political party, question, or prospective question submitted to a vote at any election.

Political party

(hh) "Political party" means an organized group that is qualified as a political party in accordance with Title 4 of this article.

Polling place

(hh-1) “Polling place” means a physical space inside a building where in-person voting is conducted on election day.

Precinct

(ii) “Precinct” includes:

(1) an election district in a county that is not divided into precincts;

(2) an election precinct in an election district that is divided into precincts; or

(3) a precinct in a ward of the City of Baltimore.

Precinct polling place

(ii-1) “Precinct polling place” means a polling place designated to serve a precinct.

Principal minority party

(jj) “Principal minority party” means the principal political party whose candidate for Governor received the second highest number of votes of any party candidate at the last preceding general election.

Principal political parties

(kk) “Principal political parties” means the majority party and the principal minority party.

Provisional ballot

(ll) “Provisional ballot” means a ballot that is cast by an individual but not counted until the individual's qualifications to vote have been confirmed by the local board.

Qualifying paid digital communication

(ll-1) “Qualifying paid digital communication” means any electronic communication that:

(1) is campaign material;

(2) is placed or promoted for a fee on an online platform;

(3) is disseminated to 500 or more individuals; and

(4) does not propose a commercial transaction.

Responsible officers

(mm) “Responsible officers” means the chairman and treasurer of a political committee.

Sample ballot

(nn) “Sample ballot” means a facsimile of a ballot used for informational purposes by a person or entity other than a local board.

Slate

(oo) “Slate” means a political committee of two or more candidates who join together to conduct and pay for joint campaign activities.

Specimen ballot

(pp) “Specimen ballot” means a facsimile of a ballot used by a local board to provide notice to registered voters of the contents of the ballot.

State Administrator

(qq) “State Administrator” means the State Administrator of Elections.

State Board

(rr) “State Board” means the State Board of Elections.

Transfer

(ss) “Transfer” means a monetary contribution that is made by one campaign finance entity to another campaign finance entity, other than one made by or to a political club.

Treasurer

(tt) “Treasurer” means an individual appointed in accordance with Title 13, Subtitle 2 of this article.

Vote

(uu) “Vote” means to cast a ballot that is counted.

Voting machine

(vv) “Voting machine” includes:

(1) a mechanical lever machine; and

(2) a direct recording electronic voting device.

Voting machine ballot

(ww) “Voting machine ballot” means a ballot posted on or in the voting machine and referred to by the voter to indicate the voting locations for each contest.

Voting system

(xx) “Voting system” means a method of casting and tabulating ballots or votes.

Write-in candidate

(yy) “Write-in candidate” means an individual whose name will not appear on the ballot but who files a certificate of candidacy in accordance with § 5-303 of this article.

Write-in vote

(zz) “Write-in vote” means a vote cast, in a contest at a general election, for an individual whose name is not on the ballot for that contest.

Md. Code Ann., Election Law, § 6-209.

In general

(a)(1) A person aggrieved by a determination made under § 6-202, § 6-206, or § 6-208(a)(2) of this subtitle may seek judicial review:

(i) in the case of a statewide petition, a petition to refer an enactment of the General Assembly pursuant to Article XVI of the Maryland Constitution, or a petition for a congressional or General Assembly candidacy, in the Circuit Court for Anne Arundel County; or

(ii) as to any other petition, in the circuit court for the county in which the petition is filed.

(2) The court may grant relief as it considers appropriate to ensure the integrity of the electoral process.

(3) A judicial proceeding under this section shall be conducted in accordance with the Maryland Rules, except that:

(i) the case shall be heard and decided without a jury and as expeditiously as the circumstances require; and

(ii) an appeal shall be taken directly to the Supreme Court of Maryland within 5 days after the date of the decision of the circuit court.

(4) The Supreme Court of Maryland shall give priority to hear and decide an appeal brought under paragraph (3)(ii) of this subsection as expeditiously as the circumstances require.

Declaratory relief

(b) Pursuant to the Maryland Uniform Declaratory Judgments Act and upon the complaint of any registered voter, the circuit court of the county in which a petition has been or will be filed may grant declaratory relief as to any petition with respect to the provisions of this title or other provisions of law.

Md. Code Ann., Election Law, § 9-201.

In general

(a) In any election conducted under this article:

(1) all voting shall be by ballot; and

(2) only votes cast on a ballot may be counted.

Compliance with subtitle required

(b) All ballots shall comply with the provisions of this subtitle.

Other uses for ballots prohibited

(c) A ballot may not be used for any purpose not authorized by this article.

Md. Code Ann., Election Law, § 9-205.

Each ballot shall contain:

(1) a heading as provided in § 9-206(a) of this subtitle;

(2) a statement of each question that has met all of the qualifications to appear on the ballot;

(3) the title of each office to be voted on;

(4) the name, as specified in the certificate of candidacy, or as otherwise provided in Title 5 of this article, of each candidate who has been certified by the State Board;

(5) a party designation for certain candidates as provided in this subtitle;

(6) a means by which a voter may cast write-in votes, as provided in this subtitle; and

(7) instructions to voters as provided in this subtitle.

Md. Code Ann., Election Law, § 9-209.

In general

(a) Within 2 days after the content and arrangement of the ballot are certified under § 9-207 of this subtitle, a registered voter may seek judicial review of the content and arrangement, or to correct any administrative error, by filing a sworn petition with the circuit court for Anne Arundel County.

Possible relief granted

(b) The circuit court may require the State Board to:

(1) correct an administrative error;

(2) show cause why an administrative error should not be corrected; or

(3) take any other action required to provide appropriate relief.

Errors discovered after publicly displayed

(c) If an administrative error is discovered after the ballots have been publicly displayed, and the State Administrator fails to correct the administrative error, a registered voter may seek judicial review not later than the 62nd day preceding the election.

Conduct of proceeding; exceptions; appeal

(d)(1) A judicial proceeding under this section shall be conducted in accordance with the Maryland Rules, except that:

(i) the case shall be heard and decided without a jury and as expeditiously as the circumstances require; and

(ii) an appeal shall be taken directly to the Supreme Court of Maryland within 5 days of the date of the decision of the circuit court.

(2) The Supreme Court of Maryland shall give priority to hear and decide an appeal brought under paragraph (1)(ii) of this subsection as expeditiously as the circumstances require.

Credits

Md. Code Ann., Election Law, § 9-217.

In general

(a) A person may not use, distribute, possess, print, or reproduce a ballot other than as authorized in this article.

Penalties for violation of section

(b) A person who violates the provisions of subsection (a) of this section shall be subject to the penalties provided in Title 16 of this article.

Md. Code Ann., Election Law, § 12-202.

In general

(a) If no other timely and adequate remedy is provided by this article, a registered voter may seek judicial relief from any act or omission relating to an election, whether or not the election has been held, on the grounds that the act or omission:

(1) is inconsistent with this article or other law applicable to the elections process; and

(2) may change or has changed the outcome of the election.

Place and time of filing

(b) A registered voter may seek judicial relief under this section in the appropriate circuit court within the earlier of:

(1) 10 days after the act or omission or the date the act or omission became known to the petitioner; or

(2) 7 days after the election results are certified, unless the election was a gubernatorial primary or special primary election, in which case 3 days after the election results are certified.

Baltimore City Charter Provisions

Baltimore City Charter Provisions

Article I

§ 3. Property rights; Trusts; Gifts.

All the property and franchises of every kind belonging to, in the possession of, or hereafter acquired by the City are vested in it and it may dispose of any property belonging to it in the manner and upon the terms provided in the Charter. The City may receive in trust, and may control for the purposes of such trust, all moneys and assets which may have been or shall be bestowed upon it by will, deed or any other form of gift or conveyance in trust for any corporate purpose, or in aid of the indigent poor, or for the general purposes of education or for charitable purposes of any description. All trust funds now held or subsequently received shall be administered with respect to investment and reinvestment, subject to any limitations in the trust, by the Board of Finance. The City may also accept grants for its corporate purposes from any government, governmental agency or person.

Article I

§ 9. Inner Harbor Park.

There is hereby dedicated to public park uses for the benefit of this and future generations of the City of Baltimore and the State of Maryland 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 to and including Rash Field, except that, in order to provide eating places and other commercial uses, areas totalling not more than 3.2 acres plus access thereto, within the dedicated space and north of an easterly extension of the south side of Conway Street shall be set aside for such purposes; and except that in order to provide outdoor eating places for the areas known as West Shore Park and Rash Field, areas totalling not more than 0.5 acres within the dedicated space and south of an easterly extension of the south side of Conway Street shall be set aside for such purposes; and except that an area of not more than

3.4 acres shall be set aside for use by the Maryland Science Center, plus access thereto.

Article II

§ (49) Constitutional and other powers.

The voters of Baltimore City shall have and are hereby expressly granted the power to make such changes in Sections 1 to 6, inclusive, of Article XI of the Constitution of the State of Maryland, as they may deem best; such power shall be exercised only by the adoption or amendment of a charter as provided in Article XI-A of said Constitution; provided, that nothing contained in this subsection (49) shall be construed to authorize the exercise of any powers in excess of those conferred by the Legislature upon said City, as set forth in Article XI-A of said Constitution; and expressly provided, further, that nothing herein contained shall give to the City or to the inhabitants thereof the right to initiate any legislation, laws or ordinances relating to the classification and taxation of real and personal property within the limits of said City.

The powers heretofore or hereafter granted to the City not included in Article II of its Charter shall, nevertheless, be exercisable by said City. Nothing contained in this subsection (49) shall be construed to take away or limit any power vested in the City, under the laws existing prior to June 1, 1945.

Article III

§ 1. Legislative Department; Qualification and salary of members.

(a) Legislative Department.

The Legislative Department of the City shall be the City Council, which shall consist of a single chamber.

(b) Qualifications.

Members of the City Council, except the President whose qualifications are provided for in Section 3, shall be citizens of the United States, at least 18 years old, and registered voters of Baltimore City. They also shall be residents of the districts the members have been chosen to represent for at least 1 year next

preceding their election, except as provided in Section 7(e), and during their term of office.

(c) Salaries.

The salary of each member shall be set as provided in Article VII, §§ 117 through 125 of this Charter.

Article V

§ 5. Department of Real Estate – Duties.

The Department of Real Estate shall have the following responsibilities in all matters relating to the acquisition, sale, lease, exchange or other disposition of real property of the City; provided, however, that nothing in this section shall affect the exercise by the City by ordinance of the powers granted to it in subsection (15) of Article II, or by the Mayor of the powers provided by Section 4(c) of Article IV relating to economic development: (a) Negotiation of acquisitions. Subject to any limitation on this power elsewhere in the Charter, any purchase (other than by condemnation) of real property or an interest therein by the City shall (unless and to the extent otherwise provided by the Board of Estimates) be negotiated and made on its behalf by the Department of Real Estate in such a manner as the Board of Estimates shall from time to time authorize and instruct. (b) Disposition of City property. The Department shall (unless and to the extent otherwise provided by the Board of Estimates) arrange for the disposition of any building or parcel of land (or any other real property) no longer needed by the City for public use. Any such disposition shall be authorized by ordinance, shall be approved by the Board of Estimates with the approval entered in its minutes, and shall be made at public sale unless a private sale or other manner of disposition shall be expressly authorized by the Board of Estimates and entered in its minutes. The instrument of conveyance of any building or parcel of land (or any other real property) whose disposition has been so authorized and approved shall be executed on behalf of the City by the Comptroller or Deputy Comptroller and attested to by the Director of Finance or the Deputy Director of Finance. (c) Leasing City property. The Department is authorized to lease any building or parcel of land (or any other real property) not needed by the City for public purposes on a month to month basis, unless otherwise provided by ordinance. It is also authorized to lease such property for fixed terms provided such leases are first approved by the Board of Estimates. (d) Inventory of City property. The Comptroller, working in conjunction with the

heads of other affected municipal agencies, shall maintain a public inventory of the City’s properties.

Article VI

§ 5. Preparation of proposed Ordinance of Estimates.

(a) Contents.

After receiving the recommendations of the Department of Finance and the Planning Commission, the Board shall prepare its proposed Ordinance of Estimates, which shall consist of:

(1) an operating budget: estimates for the next fiscal year of the appropriations needed for the operation of each municipal agency and for all other purposes, other than for capital improvements. These estimates shall state the amounts needed by every municipal agency for each particular program, purpose, activity, or project and the source of funds, if other than general funds, for each.

(2) a capital budget: estimates of the amounts to be appropriated to each municipal agency for capital improvements in the next fiscal year. The capital budget proposed by the Board also shall include the projects that the Board includes in the first year of its long-range capital improvement program and the source of funds for all capital improvements. However, no capital project shall be included in the capital budget portion of the proposed Ordinance of Estimates submitted by the Board of Estimates to the City Council unless the Board has received and considered the reports and recommendations of the Planning Commission, the Director of Finance, and the Board of Finance with regard to such capital project. The Board of Estimates may establish additional procedures for the development of a long-range capital improvement program and a capital budget.

(b) Contingent fund.

The Board may include annually in the proposed Ordinance of Estimates a sum up to one million dollars ($1,000,000.00) of the General Fund appropriations to be used during the next fiscal year as a contingent fund in case of an emergency or necessity for the expenditure of money in excess of or other than the appropriations regularly passed for any municipal agency.

At least one week before it approves a contingent fund expenditure, the Board shall report to the City Council the reasons for the expenditure.

Article VI

§ 7. Enactment of Ordinance of Estimates.

(a) Introduction; authorized cuts.

(1) ON receipt of the proposed Ordinance of Estimates and the accompanying materials, the President of the City Council shall promptly cause it to be introduced in the City Council, and the Council shall hold public hearings on the proposed Ordinance of Estimates.

(2) By a majority vote of its members, the City Council may reduce or eliminate any of the amounts in the proposed Ordinance of Estimates, except:
(i) amounts fixed by state or federal law;
(ii) amounts for the Fire Department established by a board of arbitration and included in the proposed Ordinance of Estimates; and
(iii) amounts for the payment of the interest and principal of the municipal debt.

(b) Increases and additions.

(1) Except as provided in this subsection, the City Council does not have the power to increase the amounts fixed by the Board or to add any amount for any new purpose in the proposed Ordinance of Estimates.

(2)(i) By a majority vote of its members, the City Council may increase items of appropriation within the general fund or add items within the general fund for new purposes provided that:
(A) the aggregate amount of the increase does not exceed the aggregate amount by which the City Council has reduced or eliminated from the Ordinance of Estimates under subsection (a) of this section;
(B) the increases authorized by this subsection do not derive from the reduction or elimination of revenue, which by law, contract, or

regulation must be used to support appropriations for specific purposes; and
(C) an item added for a new purpose is or will be authorized by legislation separate and apart from the Ordinance of Estimates.

(ii) In no event, however, may:

(A) the total amount of the Operating Budget or the Capital Budget, as amended by the City Council, exceed the total amount of the Operating Budget or Capital Budget, respectively, as proposed by the Board of Estimates; or
(B) any increase or addition be made to or for any item described in subsection (a)(2)(i), (ii), or (iii) of this section.

(3) If the carrying out of a particular program, purpose, activity, or project depends on action by a body other than the City, the City Council may insert a specific provision in the proposed Ordinance of Estimates making the appropriation for the particular program, purpose, activity, or project contingent on that action.

(c) Revenue ordinances.

As soon as practicable after the passage of the Ordinance of Estimates, the City Council shall enact such revenue ordinances as are necessary to produce sufficient expected revenues, as estimated by the Board of Estimates, to cover the total anticipated expenditures authorized by the Ordinance of Estimates. The Council may adopt revenue sources or revenue rates other than those proposed by the Board and in each such instance the estimate of the revenue to be yielded by such a source or rate shall be made by the Board of Estimates.

The Board of Estimates shall, taking into account any reductions and eliminations made by the City Council in the anticipated expenditures contained in the proposed Ordinance of Estimates and the revenues to be derived from all existing sources and from any new sources or new rates enacted by the City Council, certify to the Council the difference between the anticipated expenditures for the next fiscal year contained in the Ordinance of Estimates and all expected revenues other than from the full rate property tax. The Board shall then state a rate for the levy of full rate property taxes sufficient to realize the amount required to meet the said difference and the ordinance making the annual levy of full rate property taxes shall fix a rate not less than that stated by the Board so that it shall not be necessary at any time

for the City to create a floating debt to meet any deficiency, and it shall not be lawful for the City to create a floating debt for any such purpose.

Article VII

§ 67. Department of Recreation and Parks: Director – Powers and duties.

The Director of Recreation and Parks shall have the following powers and duties: (a) subject to the provisions of Article V relating to the acquisition and disposition of real property, to establish, maintain, operate and control parks, zoos, squares, athletic and recreational facilities and activities for the people of Baltimore City, and to have charge and control of all such property and activities belonging to, or conducted by, the City; (b) to provide concerts, symphonies and other musical entertainment for the people of Baltimore City; (c) to provide for the protection and maintenance of all monuments belonging to the City; (d) subject to the provisions of Article V relating to the acquisition and disposition of real property, to rent for department use buildings and other places suitable for the conduct of the activities of the Department. The Director is hereby authorized and empowered, with the consent of any other municipal agency, to organize and conduct play and recreational activities on grounds and in buildings under the control of such other agency and on such conditions as may be agreed to by such other agency. (e) to charge and collect fees for admission, services and the use of facilities, and rentals for the use of property controlled by the Department; provided, that no lease of such facilities shall be made for a period of thirty days or more (or for successive periods aggregating thirty days or more) without the prior approval of the Board of Estimates. All moneys collected by the Department shall be accounted for as the Director of Finance prescribes. (f) to adopt and enforce rules and regulations for the management, use, government and preservation of order with respect to all land, property, and activities under the control of the Department. To carry out such regulations, fines may be imposed for breaches of the rules and regulations as provided by law

Article VIII

§ 1. Authority to grant.

The title of the City in and to its waterfront, wharf property, land under water, public landings, wharves and docks, streets, lanes, and parks, its sewer system and water-supply system, as described in Article VII, §§ 33 and 34 of this Charter, and

its underground conduit system for cables, wires, and similar facilities is hereby declared to be inalienable.

With the exception of the City's sewer system, water-supply system, and underground conduit system for cables, wires, and similar facilities, the City may grant for a limited time and subject to the limitations and conditions contained in the Charter, specific franchises or rights in or relating to any of the public property or places mentioned in the preceding sentence; provided that such grant is in compliance with the requirements of the Charter, and that the terms and conditions of the grant shall have first been authorized and set forth in an ordinance duly adopted.

Every such grant shall specifically set forth and define the nature, extent and duration of the franchise or right thereby granted, and no franchise or right shall pass by implication under any such grant; and, notwithstanding any such grant the City shall at all times have and retain the power and right to reasonably regulate in the public interest the exercise of the franchise or right so granted; and the City shall not have the power by grant or ordinance to divest itself of the right or power so to regulate the exercise of such franchise or right. (Res. 18-013, ratified Nov. 6, 2018; Res. 20-027, ratified Nov. 8, 2022.)

§ 2. Procedures; Compensation; Minor privileges.

Whenever an ordinance is introduced into the City Council pursuant to the provisions of Section 1 of this Article VIII, which ordinance shall contain all the terms and conditions of the proposed grant, including a provision as to the rates, fares and charges, if the grant provides for the charging of rates, fares or charges, and a provision that the franchise or right shall be executed and enjoyed within six months after the grant, it shall, after the first reading, be referred forthwith to the Board of Estimates. The said Board shall make diligent inquiry as to the money value of said franchise or right proposed to be granted and the adequacy of the proposed compensation to be paid therefor to the City as offered in said ordinance, and the propriety of the terms and conditions of said ordinance, and said board is empowered to increase the compensation to be paid therefor to the City and to alter the terms and conditions of said ordinance, including the space in or over which the franchise or right is proposed to be granted and the person to whom the franchise or right shall be granted, provided such alterations are not inconsistent with the requirements and provisions of the Charter, and it shall be the duty of said

Board to fix in said ordinance the said compensation at the largest amount it may be able to obtain, by advertising or otherwise, for said franchise or right, and no grant thereof by the City Council shall be made except for the compensation and on the terms approved by vote or resolution of the said Board, entered in the minutes or records of said Board and attached to said ordinance with the signature of a majority of said Board signed thereto, and in the absence of such vote or resolution of said Board said proposed ordinance may not be passed but shall lapse and be void.

Provided, that the right to use the streets, or other public property, by any person for steps, porticoes, bay windows, bow windows, show windows, signs, columns, piers, or other projections or structural ornaments of any character except so far as the same may be prohibited by law, and covered vaults, covered areaways, drains, drainpipes, or any other private purpose not prohibited by law or ordinance and not being a franchise or right requiring a formal grant by ordinance, may be granted by the Board of Estimates for such an amount of money and upon such terms as the said Board may consider right and proper without the necessity of an ordinance or advertising. The applicant for any such right shall make written application therefor to the Board of Estimates, stating therein the use desired and the amount he proposes to pay therefor. Before filing the application with the Board of Estimates, the applicant shall serve copies thereof on the owners of the adjoining properties. The use applied for shall be enjoyed only on the payment of the consideration fixed by said Board and on the terms and conditions prescribed by it in writing, which terms and conditions, including the consideration charged therefor, may be changed from time to time by the Board — but with respect to "permanent" minor privileges, as defined in Section 9 of this Article VIII of the Charter, only after reasonable notice to the holder of the privilege and opportunity to him to be heard before the Board or its designated representative — and provided further, that all grants of minor privileges shall also be subject to the provisions of said Section 9 of this Article VIII. The Board of Estimates may delegate to any department or other municipal agency, and such department or other municipal agency shall exercise, any administrative powers and duties relating to minor privileges.

§ 3. Duration.

No franchise or right in relation to any street, either on, above or below the surface of the same, or franchise or right with respect to any other public property, shall be

granted by the City to any person for a longer period than twenty-five years, but such grant may, at the option of the City, provide for giving to the grantee the right (on fair revaluation, including in such revaluation the value derived from the said franchise or right) to renewals not exceeding in the aggregate twenty-five years.

Regardless of the number of previous grants of a given franchise to its holder, or the number of years such holder may have held the same, the City may renew the same to him on the same or different terms from that theretofore granted, including an increase or decrease of the consideration or charge therefor, provided always, no grant by the City of a franchise or right in, over or under any part of its public property, whether an original grant or a renewal thereof, shall (save for a possible provision for renewals in accordance with the first sentence of this section) create a term therefor or a right to obtain a renewal of said term extending more than twenty-five years from the date of the ordinance granting or renewing the same, as the case may be.

Any grant of a franchise may provide that upon the termination of the said franchise or right granted by the City, the plant, as well as the property of the grantee situated in, above or under the streets or other public property aforesaid with its appurtenances, shall thereupon be and become the property of the City, without further or other compensation to the grantee; or such grant may provide that upon such determination, there shall be a fair valuation of the plant and property, which shall be and become the property of the City at its election, on paying the grantee said valuation. If, by virtue of the grant, the plant and property are to become the property of the City without money payment therefor, the City shall have the option either to take and operate the said property on its own account, or to renew the said grant for not exceeding twenty-five years on a revaluation or sell the same to the highest bidder at public sale. If the original grant shall prescribe that the City shall at its election make payment for such plant and property, such payment shall be at a fair valuation of the same as property, excluding any value derived from the franchise or right and if the City shall make payment for such plant and property, it may, in that event, operate the plant and property on its own account for five years, after which it may determine either to continue such operation on its own account or to lease the said plant and property and the said franchise or right to use the streets, or other public property in connection therewith, for limited periods, not to exceed twenty-five years from the date of the grant, under such rules and regulations as it may prescribe, or to sell the plant and property to the highest bidder at public sale.

Every grant of any such franchise or right shall make provision, by way of forfeiture or otherwise, for the purpose of compelling compliance with the terms of the grant, and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition, throughout the full term of the grant. The grant shall also specify the mode of determining the valuations and revaluations which may be provided for therein.

§ 4. Street railways.

The Board of Estimates, subject to ratification and approval by ordinance, is empowered to agree with any street railway company for the surrender of any of its franchises, easements or rights-of-way, and in substitution for the franchise, easement or right-of-way so surrendered to grant a new franchise, easement or right-of-way on any street, and which may be for the same duration as the franchise, easement or right-of-way surrendered; and to provide, in appropriate cases, for a graduated park tax, as prescribed by Chapter 566 of the Acts of the General Assembly of 1906.

§ 5. Trackless trolleys.

The City may, by ordinance, permit any street railway company to operate under its existing franchises vehicles propelled by electricity furnished by overhead wires but not operated upon rails, and any such grant heretofore made is hereby ratified and confirmed.

§ 6. Advertising.

Before any grant of the franchises or right to use any street, or other public property, either on, above or below the surface of the same shall be made, the proposed specific grant, except as provided in the second paragraph of Section 2 of this Article VIII, embodied in the form of a brief advertisement, prepared by the Board of Estimates, at the expense of the applicant, shall be published by the Comptroller for at least three days in one daily newspaper published in Baltimore City to be designated by the Board of Estimates, and all the provisions of the first paragraph of Section 2 of this Article VIII shall be complied with.

§ 7. Reservation of rights.

When the grant of a franchise or right is made in compliance with the foregoing sections, the City shall not part with, but shall expressly reserve the right and duty at all times to exercise in the interest of the public full municipal superintendence,

regulation and control in respect to all matters connected with said grant and not inconsistent with the terms thereof.

§ 8. Renewals.

Sections 1, 2, 3, 6, and 7 of this Article VIII shall apply to any renewal or extension of a franchise, whether to the same grantee or to others.

§ 9. Minor privileges.

(a) *Temporary minor privilege charges*.

Beginning with the year 1935, the amount of the lien of the City for charges for temporary minor privileges, as hereinafter defined, shall be limited to the amount of the charge therefor for the last calendar year for which made. The person to whom such temporary minor privilege is granted shall be personally liable to the City for the amount of such charges. If any such charge is not paid by April 1st of the year succeeding that in respect of which the charge was made, the Department of Finance shall record the lien for such previous year's charge in the tax lien record, where it shall continue to be a lien, until paid, upon the property on which such minor privilege is located. The Department of Finance may proceed to enforce the liability above provided for or to sell the property in satisfaction of such lien under the provisions of Article 81 of the Code of Public General Laws of Maryland.

(b) *"Temporary" and "permanent" defined; Procedures*.

Temporary minor privileges are those in the nature of awnings, barber poles, signs, skids, clothes racks, sidewalk displays and vending machines and the like, which can be removed without a material alteration of the property where the said privilege is located. Permanent minor privileges are those in the nature of steps, porticoes, bay windows, bow windows, show windows, columns, tiers, covered vaults, covered areaways, drains or drainpipes, and the like which cannot be removed without a material alteration of the property where the said privilege is located. The procedure for granting minor privileges is set forth in Section 2 of this Article VIII.

(c) *Savings clause*.

Nothing contained in this section shall affect the payment or collection of any minor privilege charges, temporary, or permanent, accruing before the year 1935 or the payment or collection of charges for permanent minor privileges during and

after the year 1935. As to any of such charges which are not paid when due, the Department of Finance may institute suit against the holder of the privilege and the owner of the property at the time the charge arose, and shall record them in the tax lien record, and they shall remain a lien until paid and may sell the property at which the privilege is located under the provisions of said Article 81.

(d) *Designation by Board of Estimates*.

In issuing minor privileges the Board of Estimates shall designate the same as being "temporary" or "permanent" as defined in this section.

Maryland Rules

RULE 2-211. REQUIRED JOINDER OF PARTIES

(a) Persons to Be Joined. Except as otherwise provided by law, a person who is subject to service of process shall be joined as a party in the action if in the person's absence

(1) complete relief cannot be accorded among those already parties, or

(2) disposition of the action may impair or impede the person's ability to protect a claimed interest relating to the subject of the action or may leave persons already parties subject to a substantial risk of incurring multiple or inconsistent obligations by reason of the person's claimed interest.

The court shall order that the person be made a party if not joined as required by this section. If the person should join as a plaintiff but refuses to do so, the person shall be made either a defendant or, in a proper case, an involuntary plaintiff.

(b) Reasons for Nonjoinder. A pleading asserting a claim for relief shall state the name, if known to the pleader, of a person meeting the criteria of (1) or (2) of section (a) of this Rule who is not joined and the reason the person is not joined.

(c) Effect of Inability to Join. If a person meeting the criteria of (1) or (2) of section (a) of this Rule cannot be made a party, the court shall determine whether the action should proceed among the parties before it or whether the action should be dismissed. Factors to be considered by the court include: to what extent a judgment rendered in the person's absence might be prejudicial to that person or those already parties; to what extent the prejudice can be lessened or avoided by

protective provisions in the judgment or other measures; whether a judgment rendered in the person's absence will be adequate; and finally, whether the plaintiff will have an adequate remedy if the action is dismissed for nonjoinder.

(d) Exception. This Rule is subject to the provisions of Rule 2-231.

APPENDIX

CITY OF BALTIMORE
ORDINANCE 24-319
Council Bill 23-0446

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
Introduced and read first time: October 30, 2023
Assigned to: Economic and Community Development Committee
Committee Report: Favorable
Council action: Adopted
Read second time: February 26, 2024

AN ORDINANCE CONCERNING

1 **Zoning – C-5-IH Inner Harbor Subdistrict – Amendment**

2 FOR the purpose of amending the description C-5-IH Inner Harbor Subdistrict; and amending the
3 bulk and yard regulations for the Subdistrict.

4 BY repealing and re-ordaining, with amendments
5 Article 32 - Zoning
6 Section 10-207(c)(3) and Table 10-401: Commercial Districts (C-5)
7 Baltimore City Code
8 (Edition 2000)

9 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
10 Laws of Baltimore City read as follows:

11 **Baltimore City Code**

12 **Article 32. Zoning**

13 **Title 10. Commercial Districts**

14 ***Subtitle 2. District Descriptions***

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.

dlr23-1350(1)-3rd/01Mar24
Art32/cc23-0446-3rd Reader CH bp:rl

1 **§ 10-207. C-5 Downtown District.**

2 (c) *Subdistricts.*

3 (3) *C-5-IH Inner Harbor Subdistrict.*

4 (i) The purpose of the C-5-IH Inner Harbor Subdistrict is to establish these
5 standards for structures located adjacent to and facing the Inner Harbor.

6 (ii) The standards recognize that development within this subdistrict is to be
7 oriented to the Inner Harbor waterfront and be predominantly pedestrian-
8 oriented AND MIXED-USE. [Development is relatively low-scaled to
9 accommodate the view of the harbor from adjoining subdistricts.]

10 **Zoning Tables**

11 ***TABLE 10-401: COMMERCIAL DISTRICTS (C-5) – BULK AND YARD REGULATIONS***

	CATEGORIES	**SPECIFICATIONS (PER SUBDISTRICT)**						
12–13								
14		**C-5-DC**	**C-5-IH**	**C-5-DE**	**C-5-HT**	**C-5-TO**	**C-5-HS**	**C-5-G**
15–16	**MAXIMUM BLDG HEIGHT**							
17–18	All Uses	None	[100 feet] NONE	125 feet	80 feet	175 feet	175 feet	80 feet
19–20	**MINIMUM BLDG HEIGHT**							
21	All Uses	36 feet	None	36 feet	36 feet	36 feet	36 feet	36 feet
22–23	**MINIMUM FRONT YARD**							
24	All Uses	None	None	None	None	None	None	None
25–27	**MINIMUM INTERIOR-SIDE YARD**							
28	All Uses	None	None	None	None	None	None	None
29–31	**MINIMUM CORNER-SIDE YARD**							
32	All Uses	None	None	None	None	None	None	None

1
2
3

MINIMUM REAR YARD							
All Uses	None	None	None	None	None	None	None

4 **SECTION 2. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th day
5 after the date it is enacted.

Council Bill 23-0446

Certified as duly passed this 04 day of March, 2024

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 04 day of March, 2024

Chief Clerk

Approved this 17 day of April, 2024

Mayor, Baltimore City

Approved for Form and Legal Sufficiency
This 12th Day of March, 2024.

Chief Solicitor

dlr23-1350(1)-3rd/01Mar24
Art32/cc23-0446-3rd Reader/CH:bg:af

CITY OF BALTIMORE
ORDINANCE 24 · 320
Council Bill 23-0448

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
Introduced and read first time: October 30, 2023
Assigned to: Economic and Community Development Committee
Committee Report: Favorable, with Amendments
Council action: Adopted
Read second time: February 26, 2024

AN ORDINANCE CONCERNING

1 **Urban Renewal – Inner Harbor Project I – Amendment 21**

2 FOR the purpose of amending the Urban Renewal Plan for Inner Harbor Project I; amending the
3 Development Area Controls for certain development areas; amending the Land Use and
4 Proposed Zoning exhibits to the Plan; waiving certain content and procedural requirements,
5 making the provisions of this Ordinance severable; providing the application of this
6 Ordinance in conjunction with certain other ordinances; and providing for a special effective
7 date.

8 BY authority of
9 Article 13 – Housing and Urban Renewal
10 Section 2-6
11 Baltimore City Code
12 (Edition 2000)

13 **Recitals**

14 The Urban Renewal Plan for Inner Harbor Project I was originally approved by the Mayor
15 and City Council of Baltimore by Ordinance No. 67-1045, as last amended by Ordinance 15-327.

16 An amendment to the Urban Renewal Plan for Inner Harbor Project I is necessary to update
17 the Development Area Controls for certain development areas and to amend the Land Use and
18 Proposed Zoning Exhibits to reflect changes to the Plan.

19 Under Article 13, § 2-6 of the Baltimore City Code, no substantial change may be made in
20 any approved renewal plan unless the change is approved in the same manner as that required for
21 the approval of the renewal plan.

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.

dlr23-1349(3)~3rd/04Mar24
urbnrnwlrpl.cc23-0448~3rd Reader/bg:hn:rf

1 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
2 following changes in the Urban Renewal Plan for Inner Harbor Project I are approved:

3 (1) In the Plan, amend Section III.B to read as follows:

4 III. Land Disposition

5 B. The Areas shown as available for disposition in Exhibits B, "Development
6 Areas", and C, "Land Use", are schematic and approximate, and the Agency
7 shall have the right, in its discretion, to fix their precise boundaries and size.
8 The Agency shall also have the right, [in order] to facilitate the most
9 advantageous development of the Project, to subdivide or combine the
10 Development Areas OR PORTIONS THEREOF, INCLUDING ADJUSTING THE
11 ESTABLISHED PARCEL AND LOT LINES OF DEVELOPMENT AREAS UNDER AGENCY
12 CONTROL, and in so doing to assign or consolidate, as the case may be, the
13 Standards and Controls applicable to said Development Areas. To carry out
14 this Plan, the Agency will formulate appropriate disposition policies and
15 procedures.

16 (2) In the Plan, amend Section V.B. to read as follows:

17 V. Standards and Controls

18 B. Size of Facilities:

19 The minimum and maximum sizes of the various types of facilities in each
20 Development Area shall be determined by [the Agency, provided that the
21 facilities defined in section IV.3 as Office, Housing, Transient Housing, and
22 Retail, in that portion of the Project to be disposed of, shall contain in the
23 aggregate not less than 2,000,000 square feet of gross building area nor more
24 than 4,000,000 square feet of gross building area, and provided further, that
25 the] THE ZONING FOR EACH PARCEL. ~~THE facilities~~ [facilities defined in
26 Section IV.3 as Parking, in that portion of the Project to be disposed of, shall
27 contain in the aggregate not less than 3,000 spaces nor more than 4,500
28 spaces. [The Agency shall set maximum densities of residential development
29 which shall not exceed 250 dwelling units per net acre.]

(3) In the Plan, amend Section V.D. to read as follows:

V. Standards and Controls

D. Servicing:

All servicing shall be off street, and except with respect to Development Areas 13 and 15a and to the properties not to be acquired, shall be within structures and roofed, so as to be screened from public view. Loading docks will be provided and in accordance with the Building Code of Baltimore City. Open-air storage of equipment, merchandise, and materials is prohibited, except in Development Areas 17a and 25. Outside exhibit or display of merchandise is prohibited, EXCEPT IN DEVELOPMENT AREAS 13 AND 15A, AND except where specifically permitted by the Department.

(4) In the Plan, strike V.I. Minimum Elevation for Development in its entirety and substitute a new V.I. Floodplain and Critical Area Requirement to read as follows:

V. Standards and Controls

I. Floodplain and Critical Area Requirements:

To achieve the objectives of the Plan any development above or below grade shall comply with all requirements, restrictions, and terms contained in Title 7, Subtitle 3 {"Floodplain Overlay Zoning District"} and Subtitle 4 {"Chesapeake Bay Critical Area Overlay Zoning District"} of the Baltimore City Zoning Code.

(5) [(4)] ~~(4)~~ In the Plan, amend V. P. Development Area 13 to read as follows:

V. Standards and Controls

P. Development Area Controls:

Development Area 13

a. General Use: Commercial AND RESIDENTIAL.

b. Building Requirements:

i. Maximum Permitted Height: [Elevation 50 feet, except for limited extensions of specialized construction as may be approved by the Agency] SUBJECT TO THE ZONING OF THE UNDERLYING PARCEL.

ii. Vehicular Access: Access will be permitted from the surrounding streets through Development Area 15, in such a manner as may be approved by the Department.

iii. Parking: No Parking permitted except for special uses as may be approved by the Department.

iv. Planning Review: All preliminary and final plans for Development Area 13 shall be subject to review and comment by [an ad hoc Advisory Task Force (hereinafter called Task Force) which shall be established by the Commissioner of the Department of Housing and Community Development to provide citizen input into the design process for the improvements to be constructed within said Development Area. The size and composition of the said Task force shall be determined by the Commissioner at his sole discretion except that the Task force shall include two representatives of the City Council who shall be appointed by the President. The Department shall retain final authority to approve or disapprove all proposed plans for said area.] THE URBAN DESIGN AND ARCHITECTURE ADVISORY PANEL (UDAAP), AS PART OF THE DESIGN REVIEW PROCESS ESTABLISHED BY TITLE 4, SUBTITLE 4 {"DESIGN REVIEW"} OF THE ZONING CODE.

(6) [(5)] ~~(5)~~ In the Plan, amend V. P. Development Area 14 as follows:

V. Standards and Controls

P. Development Area Controls:

Development Area 14

a. General Use: Public AND COMMERCIAL

b. Building Requirements: [No building construction will be permitted at or above grade level except for that which is related and incidental to the General Use of this Development Area, and which is approved by the Agency, provided that vehicular circulation and parking at or above grade are prohibited.]

BUILDING CONSTRUCTION, WHICH IS APPROVED BY THE AGENCY, SHALL BE PERMITTED, PROVIDED ~~THAT THE BUILDING CONSTRUCTION:~~

~~1. DOES NOT EXCEED 3 STORIES; OR~~

~~2. A TOTAL OF 20,000 GROSS SQUARE FEET IN THE AGGREGATE ACROSS DEVELOPMENT AREA 14; AND~~

~~3.~~ THAT VEHICULAR CIRCULATION AND PARKING AT OR ABOVE GRADE ARE PROHIBITED.

(7) [(6)] ~~(6)~~ In the Plan, amend V. P. Development Area 15a to read as follows:

V. Standards and Controls

P. Development Area Controls:

Development Area 15a

a. General Use: Commercial AND RESIDENTIAL

b. Building Requirements:

i. Maximum Permitted Height: [Elevation 50 feet, except for limited extensions of specialized construction as may be approved by the Agency] SUBJECT TO THE ZONING OF THE UNDERLYING PARCEL.

ii. Vehicular Access: Access will be permitted from the surrounding streets through Development Area 15, in such a manner as may be approved by the Department.

iii. Parking: [No Parking permitted except for special uses as may be approved by the Department.] OFF-STREET PARKING IS PERMITTED WHERE EXPRESSLY APPROVED BY THE DEPARTMENT PROVIDED THAT THE OFF-STREET PARKING IS NOT LOCATED AT GRADE AND IS SCREENED FROM PUBLIC VIEW.

iv. Planning Review: All preliminary and final plans for Development Area 13 shall be subject to review and comment by [an ad hoc Advisory Task Force (hereinafter called Task Force) which shall be established by the Commissioner of the Department of Housing and Community Development to provide citizen input into the design process for the improvements to be constructed within said Development Area. The size and composition of the said Task force shall be determined by the Commissioner at his sole discretion except that the Task force shall include two representatives of the City Council who shall be appointed by the President. The Department shall retain final authority to approve or disapprove all proposed plans for said area.] THE URBAN DESIGN AND ARCHITECTURE ADVISORY PANEL (UDAAP), AS PART OF THE DESIGN REVIEW PROCESS ESTABLISHED BY TITLE 4, SUBTITLE 4 {"DESIGN REVIEW"} OF THE ZONING CODE.

(8) In the Plan, amend Appendix 1, in part, to read as follows:

This Appendix and the accompanying Exhibit F contain the various special controls applicable to properties along the LOT 15 AND Lot 25 waterfront. These additional controls have been included in order to ensure that public access to the waterfront be maximized, opportunities for visual enjoyment of the water be created and/or preserved, and contrast and variety of building facades along the waterfront be maintained.

Pedestrian Access

1 Public pedestrian access to the water shall be provided through a series of easements - Public Access Corridors - leading to a shoreline walk - Pedestrian Promenade, the general location of which is shown on the accompanying exhibit. The Pedestrian Promenade will be established by an easement which shall be no less than 20 feet in width. In limited areas where it can be demonstrated that it is functionally justified, the Commissioner of the Department of Housing and Community Development may allow a promenade and/or landscaped area of lesser width. These required easement improvements shall be built and maintained by the developer. Public pedestrian access on private property shall be subject to such reasonable rules and regulations as may be promulgated by the owner of such property and agreed to in writing by the Commissioner of the Department of Housing and Community Development. The Pedestrian Promenade shall be completed the later of: (1) two years from the passage of the ordinance approving Amendment No. 16 to the Urban Renewal Plan, or (2) the date of substantial completion of the Development Plan as MAY BE described in the companion Planned Unit Development (PUD) [Ordinance] ORDINANCES for LOT 15 AND Lot 25. In some cases, an exception to the permanently constructed promenade requirement may be granted by the Commissioner of the Department of Housing and Community Development if the promenade easement is granted to the City of Baltimore and a temporary walkway across the site connecting existing portions of the promenade is provided by the property owner. The Commissioner may extend the time for completion of the Pedestrian Promenade if it is deemed necessary to do so for the health, safety, and welfare of the citizens.

23 (9) [(7)] ~~(7)~~ Revise Exhibit B, "Development Areas" to reflect the changes in the Plan.

24 (10) [(8)] ~~(8)~~ Revise Exhibit C, "Land Use" to reflect the changes in the Plan.

25 (11) [(9)] ~~(9)~~ Revise Exhibit D, "Proposed Zoning" to reflect the changes in the Plan.

26 (12) [(10)] ~~(10)~~ Revise Exhibit E, "Right-of-Way Adjustments" to reflect the changes in the Plan.

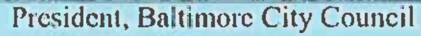
28 (13) Revise Exhibit F, "Waterfront Area Controls" to include the pedestrian promenade along the entirety of the inner harbor shoreline and public access corridors so agreed upon between the Department of Planning and the Applicant.

31 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the Urban Renewal Plan for Inner Harbor Project I, as amended by this Ordinance and identified as "Urban Renewal Plan, Inner Harbor Project I, revised to include Amendment 21, dated October 30, 2023", including Exhibit A, "Land Acquisition", dated August 25, 1970, as most recently revised on October 6, 2000; Exhibit B, "Development Areas", dated April 24, 1979, as most recently revised on __________; Exhibit C, "Land Use", dated April 24, 1979, as most recently revised on _________; Exhibit D, "Proposed Zoning", dated April 24, 1979, as most recently revised on _________; Exhibit E, "Right of Way Adjustments", dated April 24, 1979, as most recently revised on ________; and, Exhibit F, "Waterfront Area Controls", dated October 6, 2000, is approved. The Department of Planning shall file a copy of the amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record, available for public inspection and information.

1 **SECTION 3. AND BE IT FURTHER ORDAINED**, That if the amended Urban Renewal Plan
2 approved by this Ordinance in any way fails to meet the statutory requirements for the content of
3 a renewal plan or for the procedures for the preparation, adoption, and approval of a renewal
4 plan, those requirements are waived and the amended Urban Renewal Plan approved by this
5 Ordinance is exempted from them.

Council Bill 23-0448

Certified as duly passed this 04 day of March, 2024



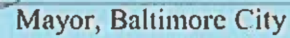
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this 04 day of March, 2024

Chief Clerk

Approved this 1? day of March, 2024



Mayor, Baltimore City

Approved for Form and Legal Sufficiency
This 12th Day of March, 2024.

Chief Solicitor

dlr23-1349(3)-3rd/04Mar24
urbnmwlrpl cc23-0448-3rd Reader/bg/lm/ef

BENEDICT J. FREDERICK, III, et al., Appellants, v. BALTIMORE CITY BOARD OF ELECTIONS, et al., Appellees.	IN THE SUPREME COURT OF MARYLAND No. 35 September Term, 2023 SCM-REG-0035-2023

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of August 2024, a copy of the Brief of Appellee Mayor and City Council of Baltimore in the captioned case was served via MDEC on and two paper copy were mailed or delivered the next business day to:

CONSTANTINE JOHN THEMELIS
CLINTON R. BLACK V
STEVEN A. THOMAS
Thomas & Libowitz, P.A.
25 S. Charles Street, Suite 2015
Baltimore, Maryland 21201
Counsel for Appellants

THOMAS S. CHAPMAN
Assistant Attorney General
200 St. Paul Place
Baltimore, Maryland 21202
Counsel for Appellee Baltimore City Board of Elections

DANIEL KORBIN
Office of the Attorney General
200 Saint Paul Place
Baltimore, Maryland 21202
Counsel to Appellee Maryland State Board of Elections

MICHAEL REDMOND