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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).

REPLY BRIEF OF APPELLANT MAYOR AND CITY COUNCIL OF BALTIMORE

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INTRODUCTION

Given the intense need to get to a timely and final resolution to this matter before the November election, and Appellees' threat of continued litigation in their lawsuit pending in the Circuit Court for Baltimore City if this appeal is resolved on purely procedural grounds, Appellant Mayor and City Council of Baltimore ("City") will focus this reply brief on the substantive questions (Questions Presented 3 and 4) that are before this Court. As to the procedural questions, the City adopts and incorporates all the arguments made

by the Appellant Maryland State Board of Elections ("State Board") and Appellant MCB HP Baltimore LLC ("MCB") in their reply briefs, as well as all Appellants' opening briefs.

The Appellees' arguments that Question F is impermissibly unclear and that it proposes impermissible non-charter material fail on the merits. They simply do not put forward any coherent rationale for why Question F would fail to meet the pragmatic standards for clarity set forth in the precedents of this Court. Nor do they provide any explanation for how an amendment, proposed by the legislature, that simply alters the restrictions already in the charter on how the City is able to use its own City-owned property, violates the Maryland Constitution. Accordingly, the circuit court's ruling must be reversed, and the voters of Baltimore City must be allowed to vote on Question F, to have their vote certified, and to have their voice help determine the future of their Inner Harbor.

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?

ARGUMENT

The circuit court's order must be reversed because Question F is clear and the modification to Section 9 of Article I of the Baltimore City Charter that Question F describes is proper charter material.

In the part of their brief addressing the substantive questions before this Court, the Ambridge Appellees (collectively, "Ambridge") misrepresent the relevant Maryland law and the content of both Question F and the charter amendment it proposes. Their arguments largely ignore the actual reasons for both the amendment and the language chosen to propose it to the voters of Baltimore City. Instead, they put forth a mess of self-contradicting, illogical generalities that only look even vaguely plausible if one ignores both the law and the facts.

I. Question F poses a clear, accurate, non-misleading question for Baltimore City voters to decide.

A. Maryland ballot-question precedent allows Question F.

Maryland courts' review of ballot question language "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 v. Vote Know Coal. of Maryland, Inc.*, 331 Md. 164, 174 (1993) (quoting *Surratt v. Prince George's County*, 320 Md. 439, 447 (1990))). To flesh out the contours of this very limited review, Maryland jurisprudence provides two bright line rules that will result in invalidation, and two examples of ballot questions that were deemed proper.

In *Surratt*, this Court held that ballot language cannot actively mislead the voters when it invalidated a question that Prince George's County tried to use to repeal its waiver of immunity without letting its voters know what it was that they were approving. 320 Md. at 449 ("It *was* misleading, and it *was* calculated to suggest to the voter that the charter amendment would have virtually no effect—and certainly not the repeal of the waiver of immunity.") (emphasis in original). And in *Anne Arundel County v. McDonough*, 277 Md. 271 (1976), this Court held that ballot questions are invalid when the language is so confusing that there is literally no way for a voter to know what they are choosing. *Id.* at 298 (invalidating a single referendum question that concerned 41 separate amendments to a comprehensive rezoning bill, where "as the Question appeared on the voting machines, [the voters'] choice was limited to a vote 'FOR' or 'AGAINST' 'rezoning,'" such that voters could not tell whether they were voting for the original bill or the amendments thereto).

On the other hand, in *Kelly*, this Court approved ballot language that described the overall scope and effect of abortion legislation that had been petitioned to referendum, even though it used vague language such as "certain conditions," "certain exceptions," and "repeal some, and clarify other, provisions related to abortion referrals." 331 Md. at 177. Likewise, in *Stop Slots,* this Court approved ballot language describing a constitutional amendment to allow five

video slot parlors in certain areas of Maryland in order to provide funding for education, even though it did not explain every aspect of the results that would occur if the question was approved. 424 Md. at 209 (question "sufficiently apprise[d] electorate of the amendment, its true nature and purpose," even though it did not mention the contingent legislation that would distribute majority of slot-generated funds to a variety of non-educational purposes).

Applying these precedents to Question F, it is clear that the City's language passes muster. There is absolutely nothing misleading about Question F – it says exactly what the proposed amendment does – so *Surratt* does not apply. Nor is it incomprehensible – the average Baltimore voter can tell exactly what it is asking – so *McDonough* does not apply. Rather, Question F is much closer to those questions reviewed in *Kelly* and *Stop Slots*, and indeed, many of Ambridge's arguments against Question F are largely mirrored by those arguments rejected by this Court in those cases.

B. <u>The Ambridge arguments against clarity all fail.</u>

Rather than address these binding precedents of this Court, and how they show that Question F is proper, Ambridge makes no attempt to distinguish *Kelly*, does not even mention *Stop Slots*, and instead cites to foreign cases from Massachusetts and Ohio. Appellees Br. 32-35. Ambridge also cites to their own members' descriptions of the ballot language in media reports, in an unconvincing

attempt to invent authority. *Id.* at 3 n.1. But when it comes to actually describing what they find confusing about Question F, the Ambridge brief utterly fails to point to anything incomprehensible or misleading.

Ambridge's first argument is that the description of the park's boarders are unnecessary, *see* Appellees Br. 33-34, but it does not even try to address the straightforward reason the City has already explained why these boarder descriptions were entirely necessary, *see* City Appellant Br. 43-44 (describing the potential for confusion about where commercial development would go if amendment only described as altering the Inner Harbor Park, generally). Indeed, the City did not invent this need as a post hoc rationalization for litigation purposes, but rather discovered it in the extensive community outreach that the City Council, its members, the mayor, and the developer did prior to the City's proposing the amendment. *See* Baltimore City Council Hearing, February 13, 2024, *available at https://charmtvbaltimore.com/video/city-council-hearing-february-13-2024* (last visited October 7, 2024) (Councilmember Eric Costello explaining extensive outreach, including at least seven open forums and neighborhood door knocking at minute 24:13, and explaining at minute 28:00 the need to address false rumors about commercial development south of Conway Street in the park); *see also* Baltimore City Council Bill File for Ordinance 24-318 *available at https://baltimore.legistar.com/Legislation.aspx by typing in bill*

number 24-0444 (last visited October 7, 2024) (containing hundreds of pages of public testimony). The City's ballot question language tells the voter exactly what the amendment proposes by first noting in the heading that this is a charter amendment concerning Inner Harbor Park, laying out for the voter what all is included in Inner Harbor Park and what part of that land will be affected. *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 defines those boundaries with landmarks with which the average Baltimore voter is well acquainted – major streets, the water's edge, Rash Field, and a well-known office tower. *Id.* This language is the furthest thing from confusing to the typical Baltimorean, and Ambridge does not even try to assert that voters will not know what these boundaries mean. Instead, Ambridge merely implies that voters lack the cognitive capacity to follow an 80-word description,

which is a woeful underestimation of the intelligence of the electorate. Far from being misleading or inaccurate, the boundary language that the City chose is precisely accurate and guarantees that what had been a common misconception (actively promoted by groups opposed to the development) would not be a barrier to the voters' understanding of the proposal. Moreover, as explained in the City's opening brief, City Appellant Br. 43-44, the 2016 charter amendment did not need such a boundary description because the proposed amendment in 2016 posed no such danger of confusion that it would alter Rash Field and West Shore Park because that amendment did alter Rash Field and West Shore Park. Accordingly, the comparison of the need for boundary descriptions between the two amendments in entirely inapt.

Next, Ambridge argues that it is unclear where the description of the current charter provision ends and the proposed amendment starts, but their feigned confusion is both an insult to the reading comprehension skills of Baltimore voters and entirely lacking in a proposed alternative reading that would make any sense. Appellees Br. 34. The language of the question explains that it proposes amending the charter provision that dedicates specific land for public park use, and then after describing that land precisely, uses two clauses beginning with the word "with" to denote how it will be amended. E.48. It amends the provision "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." *Id.* It also amends it "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.* While there certainly could be other (perhaps better) ways to convey this same information, this choice of language effectively conveys exactly what is being asked of the voter. Does the voter want to allow 4.5 acres of land in the portion of the park north of Conway Street to be available for these commercial uses, and does the voter want to allow those areas where two of those uses are engaged in to be excluded from the public park dedication? This language is clear and precise, and that precision does not create confusion – it eliminates it. Indeed, entirely absent from the Ambridge argument is any suggested alternative reading of Question F as a whole that would make any sense other than the one just described.

Finally, Ambridge argues that Baltimore voters will not be able to make an intelligent choice because the language in Question F does not expressly describe what is currently allowed by the Charter in Inner Harbor Park before asking voters to approve a different state of affairs. Appellees Br. 35. The first reason this argument fails is because it is preposterous to suggest that Baltimoreans might think that the Harborplace mall pavilions contain off-street parking and residential dwellings. This portion of the Inner Harbor north of Conway Street has only

contained restaurants and retail for the last several decades, and the idea that anyone thinks that there might be a parking garage or an apartment complex hidden in there at the present is completely absurd. And any concern that voters might not understand that 4.5 acres is an increase in the area allowed for commercial use is significantly assuaged by the clear explanation that all commercial uses will still be limited to the area north of Conway Street. Moreover, Ambridge's argument that Maryland law requires all the specifics of how the proposal changes the law is directly contradicted by this Court's holdings in *Kelly* and *Stop Slots* (the precedents that Ambridge conveniently fails to address).

In *Kelly*, the ballot question did not have to specify what Maryland law currently required in terms of the "some … provisions related to abortion referral" it was repealing or clarifying in order to provide voters with a real choice. 331 Md. at 169. Likewise, in *Stop Slots*, the question did not have to explain all the other beneficiaries of slots-generated revenue in order for the "average voters, viewing the information before them, [to] understand the purpose and effect of the amendment being proposed for their approval." 424 Md. at 208. The limited nature of the space available on a ballot question will always allow opponents of the change to find some detail that they think should have been included (or, conversely, to argue that too many "unnecessary" details were included), but this

Court has made clear that ballot questions do not need to spell out every detail (nor must they refrain from giving any details thought necessary by the drafter). Rather, this Court 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 in Question F provides reasonable clarity as to the actual scope and effect of the proposed charter amendment, and the circuit court's ruling to the contrary must therefore be reversed.

C. Any lack of clarity could still be addressed by lesser remedies.

Although the language of Question F is well within the level of clarity demanded by this Court's precedents, if *arguendo* this Court found some aspect of it insufficient, the appropriate remedy to such perceived confusion would not be to disenfranchise hundreds of thousands of Baltimore voters (as the circuit court has done), but to assist those voters in exercising their franchise through explanatory postings, emails, letters, or supplements. The Court could certainly require the State Board or the City to post explanations online, to email or mail supplements to voters that have received mail-in ballots, or to post explanations of Question F in polling places. These days, the most common reaction to confusing language on a ballot is likely to be for the voter to reach for their phone and Google the question. The first result for "Baltimore City Question F" is currently a transcript and link to

a recording of a four-minute radio interview with a reporter on WYPR about this appeal, and it does a decent job of explaining away any possible confusion. *See Making sense of Baltimore's Question F: Will Harborplace get redeveloped or not?*, by Emily Hofstaedter, WYPR Webpage, *available at https://www.wypr.org/wypr-news/2024-10-04/making-sense-of-baltimores-question-f-will-harborplace-get-redeveloped-or-not* (last visited October 7, 2024). Which is to say that any failing that this Court perceives in the clarity of the City's language in Question F could be alleviated in a matter of seconds, either through the voters' own initiative or an order of this Court. There is absolutely no reason, under any circumstances, for the people of Baltimore to be denied a voice on this important question about the City's future merely because the language of the question is allegedly poorly phrased.

II. The legislatively proposed charter amendment does not violate the Maryland constitution.

The Ambridge Appellees spend about fifteen pages of their brief trying to explain how a charter amendment can be inappropriate non-charter material when all the amendment does is add 24 words and one number to a provision that is already in the Charter. *Compare* Appellees Br. 35-50 *with* E.38 (revision to Art. I, §9 set forth in Ordinance 24-138/Council Bill 24-0444). For many, many reasons, they do not succeed. Nor do they succeed at explaining how, even if it were non-

charter material, how the non-charter material could possibly violate Article XI-A, §3 of the Maryland Constitution.

A. The proposed charter amendment only modifies a pre-existing charter restriction on how the City may use City land.

The most basic flaw in Ambridge's analysis is that they pretend that Ordinance 24-138 does things that it does not do. *See, e.g.,* Appellees Br. 37 (calling it a "zoning law"), 42 (same), 43 (claiming it "modifies the balance of power between a specific *private* actor and the government"), 44 (claiming it "leave[s] nothing more for the legislature to decide or do"), 47 (claiming it "delivers a public asset into private hands"). None of these characterizations of the amendment at issue are remotely accurate. In reality, all the amendment does is modify the restriction currently enshrined in Article I, § 9 of the Charter on how the City may use the land that the City owns around the Inner Harbor by (a) adding "multi-family dwellings and off-street parking" to the list of approved commercial uses, (b) increasing the area available for such commercial uses from 3.2 acres to 4.5 acres, and (c) specifying that any areas used for those two uses "are not dedicated as a public park." E.38.

Council Bill 23-0444

§ 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 MULTI-FAMILY DWELLINGS AND OFF-STREET PARKING, eating places, [and] other commercial uses, ~~MULTI-FAMILY DWELLINGS, AND OFF-STREET PARKING,~~ areas totaling not more than [3.2] 4.5 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;~~ [purposes:] PURPOSES, EXCEPT THAT ANY AREAS USED FOR MULTI-FAMILY DWELLINGS AND OFF-STREET PARKING ARE NOT DEDICATED AS A PUBLIC PARK; and except that in order to provide outdoor eating places for the areas known as West Shore Park and Rash Field, areas totaling 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.

Id. By itself, this amendment does absolutely nothing to change the zoning of the Inner Harbor. It does not change any balance of power between a specific private actor and the public actor. It certainly does not deliver any public asset to private hands. And it leaves the Baltimore City Council with plenty to do in order to determine how the City's land in the Inner Harbor gets used. Practically speaking, all this amendment to the Charter itself does is take the restriction on City's use of land in the Charter that allows a mall in the northern part of Inner Harbor Park and alters it so that now there can be a somewhat larger mall with a parking garage and residential dwellings. E.38.

Ambridge tries to accomplish their truly heroic bit of make-believe by willfully conflating the City Ordinance 24-318 that proposes the charter amendment with the two companion laws (City Ordinances 24-319 and 24-320,

see City App.1-12) that the City Council passed at the same time (neither of which go onto the ballot or into the Charter), one of which actually does alter zoning (Ordinance 24-319) and the other of which amends the City's Urban Renewal Plan for this area (Ordinance 24-320) which includes myriad general restrictions on the private use of land that control so many more of the details of how the commercial use area of the Inner Harbor can be developed, and which has been amended over twenty times since the 1970s. Appellee Br. 42. These are zoning and land use laws.[1] These alter the balance of power of what private actors can do on this leased government land. And these laws aptly demonstrate that there is a robust amount of discretion in this area of policy making that the legislature can and did exercise beyond what the charter amendment tried to accomplish.

Ambridge essentially pretends that these independent laws passed by the City's legislature are a part of the proposed charter amendment when they absolutely are not. Rather, these ordinances show that the City Council is properly legislating exactly what needs to be legislated through standard City Ordinances, but when it comes to a restriction on the City's power that is already set forth in the City Charter, they ask the voters to amend the Charter. Indeed, an ordinance that

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[1] When the City engages in zoning, it does so through the authority granted to it by the General Assembly in the Maryland Code, Land Use Article, Title 10, Baltimore City Zoning. The additional land use restrictions the City has legislated in its Urban Renewal Plan arise from the powers granted to it in the Baltimore City Charter, Article II, Section 15, Land development and redevelopment.

proposes a charter amendment for a vote by the public is the only way the City can accomplish this modification of the charter restriction.

In short, there is nothing even remotely improperly legislative about the City's proposed amendment. As explained in more detail in the City's opening brief, this alteration of restrictions on the City's own power to use its own land is quintessential charter material, just as alterations to the City's power to increase taxes were considered quintessential charter material in *Anne Arundel Cnty. v. Smallwood*, 327 Md. 220, 236–37 (1990); *see also* City Appellant Br. 32-25. Likewise, the mere alteration of a charter restriction on the City's power to use its land is not impermissibly legislative under this Court's precedent in *Save Our Streets v. Mitchell*, 357 Md. 237 (1998) precisely because, even after the charter amendment is enacted, "the [City] council retains discretion and control regarding an area under its authority." *Id.* at 253. The amendment does not remove any area of legislative control out of the City Council's power – indeed, it slightly loosens the pre-existing charter restriction and thereby increases the legislative authority it retains. And the City Council still plainly can and does retain discretion to change the zoning and other use restrictions, as it did, through non-charter legislation in City Ordinances 24-319 and 24-320, *see* City App.1-12, and as it still would retain the authority to do after the amendment is enacted.

All of Ambridge's arguments to the contrary are built upon the false premise that the charter amendment proposal itself does all the land use work that the City Council can and has done outside of the charter amendment. In perhaps the greatest irony in their brief, Ambridge concedes that Article I, §9 of the City Charter is proper charter material because "insulating public infrastructure from privatization or dedicating a shared asset for use and enjoyment by future generations qualifies as proper charter material…. [because it] alters the balance of power between the public and government with regard to that public asset or infrastructure." Appellees Br. 48. That is the ballgame. The current version of Article I, §9 strikes a particular balance of those powers, and the only thing that the proposed amendment at issue in this appeal does is slightly alter how Article I, §9 strikes that balance. A charter provision that says that the City can have a mall of a certain size with restaurants and retail stores on a piece of public land is performing the exact same power-balancing function as one that says that the City can have a somewhat larger mall with parking and apartments. The only difference is that the balance that has been struck is different, and the Ambridge Appellees do not want to let the voters of Baltimore City decide if they prefer this balance. Accordingly, the circuit court's ruling that the amendment was somehow impermissible must be reversed.

B. A legislatively proposed charter amendment cannot violate Section 3 of Article XI-A by cutting the local legislature out of the legislative process.

Ambridge asks this Court to affirm the circuit court's ruling that Baltimore City Ordinance 24-318 is unconstitutional, but Ambridge does not point to any provision of the Maryland Constitution that this ordinance violates. *See* Appellees Br. 35-50. Indeed, Ambridge only speaks of the charter amendment proposal ordinance as violating entire articles of the Maryland Constitution (and misidentifies that as Article XI rather than XI-A in a heading, Appellees Br. 36), but does not identify any specific provision in said article that the City's actions violate. Rather, Ambridge spills much ink describing the language in multiple cases that this Court has formulated in order to determine whether charter amendments proposed by voter petitions are unconstitutional, Appellees Br. 39-44, without acknowledging in any way that what those cases were doing was determining whether those petitions had violated Art. XI-A, § 3's requirement that local legislative bodies "shall have full power to enact local laws," *id.*; *see, e.g., Cheeks v. Cedlair Corp*., 287 Md. 595, 613 (1980) ("[Art. XI-A] s 3 … [does not allow voters to] completely circumvent[] the legislative body, thereby totally undermining its status as the primary legislative organ"); *Anne Arundel Cnty. v. Smallwood*, 327 Md. 220, 236–37 (1990) ("voters of a charter county cannot reserve to themselves the power to initiate legislation because such initiative

conflicts with the terms of Art. XI–A, § 3"); *Atkinson v. Anne Arundel Cnty*., 428 Md. 723, 727-30 (2012) (deciding whether an charter amendment requiring arbitration "is unconstitutional under Maryland Constitution, Article XI–A (the Home Rule Amendment), § 3" and explaining that "[i]n *Griffith v. Wakefield,* 298 Md. 381, 470 A.2d 345 (1984)… [t]he challenge asserted that the amendment violated Maryland Constitution, Article XI–A, § 3, under the principles articulated in *Cheeks*").[2] Ambridge conspicuously avoids any mention of Article XI–A, § 3 because there is simply no way to logically assert that the City Council violated their own constitutional guarantee of legislative authority by allegedly legislating through a charter amendment proposal.

All the aspects of the "framework" that Ambridge discusses in his brief are just language that this Court has used in the process of determining whether petition-initiated charter amendments violated Article XI–A, § 3. This language does not create a new constitutional requirement, untethered to any provision in the constitution, that legislatively initiated charter amendments also must meet. What Ambridge is trying to do (and what the circuit court did) is like taking a rule that failing to change a car's oil voids the warranty and imposing that rule on the owner

[2] The language in *Atkinson* that Ambridge repeatedly cites does not support their assertion that legislatively proposed charter amendments are equally restricted by the Maryland Constitution because, as the language cited says, this Court emphatically did not decide that issue. That issue was not even relevant to *Atkinson* as the charter amendment under review there was also petition-initiated.

of an electric car. The entire reason for the rule is absent from the context in which it is trying to be applied. Applying it here would simply make no sense.

Rather than trying to point to some aspect of the Maryland Constitution that the proposed charter amendment actually could violate, Ambridge argues that it would be unfair to have a different rule for legislators than for petition gathers and cites to language about the nature of charters. *See* Appellee Br. 45-47. But there is nothing unfair about the elected legislature having legal abilities to change the law that non-elected citizens do not. Indeed, that "unfairness" is precisely what Article XI–A, § 3 guarantees – that the local legislature (and not unelected citizens) remain the primary legislative organ for local home rule jurisdictions in Maryland. Moreover, this Court has never (and should never) hold a charter amendment unconstitutional <u>just</u> because of vague organizational principles about what belongs in a charter. Rather, when those principles have been invoked, they were methods for determining whether a particular amendment violated a specific provision of the Maryland Constitution. Here, there is no provision of the Maryland Constitution that the City's proposal violated, so for this reason as well, the circuit court's ruling that the charter amendment is unconstitutional must be reversed.

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,

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CERTIFICATION OF WORD COUNT
AND COMPLIANCE WITH RULE 8-112

I hereby certify that:

1. This brief contains 4,728 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, § 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.

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.

MARYLAND STATE BOARD OF ELECTIONS, et al., Appellants, v. ANTHONY J. AMBRIDGE, et al., Appellees.	IN THE SUPREME COURT OF MARYLAND No. 26 September Term, 2024 SCM-REG-0026-2024

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of October 2024, a copy of the Reply Brief of Appellant 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:

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