

IN THE MATTER OF  
2012 LEGISLATIVE  
DISTRICTING OF THE STATE

\* In the  
\* Court of Appeals  
\* of Maryland  
\* Misc. No. 1  
\* September Term, 2012

### **O R D E R**

Pursuant to the provisions of §5 of Article III of the Constitution of Maryland, the Governor's legislative districting plan, introduced as House Joint Resolution No. 1 and Senate Joint Resolution No. 1, became effective on February 24, 2012. The resolutions contained a legislative districting plan setting forth the boundaries of the legislative districts for the election of members of the Maryland Senate and the Maryland House of Delegates.

The Court of Appeals of Maryland, pursuant to the authority of §5 of Article III of the Constitution of Maryland, is vested with original jurisdiction to review the legislative districting plan upon petition of any registered voter, and to "grant appropriate relief, if it finds that the districting of the State is not consistent with requirements of either the Constitution of the United States...or the Constitution of Maryland."

Section 4 of Article III of the Constitution of Maryland states:

Each legislative district shall consist of adjoining territory, be compact in form, and of substantially equal population. Due regard shall be given to natural boundaries and the boundaries of political subdivisions.

The Attorney General of Maryland has represented by motion filed on February 29, 2012, that there is a "significant probability" that challenges to the validity of the legislative districting plan will be filed, and requested that the Court promulgate procedures to govern all actions brought under §5 of Article III of the Constitution of Maryland, challenging the validity of the legislative districting plan or any part thereof.

The Court has concluded that an initial Order governing the orderly conduct of proceedings challenging the legislative districting plan is in the public interest and that due notice should be given to the public of such proceedings, requiring all persons who seek to challenge the plan to file petitions in accordance with a strict schedule for the filing of pleadings, evidence, and memoranda and for a public hearing before a Special Master.

Now, therefore, it is this 6th day of March, 2012, ORDERED, by the Court of Appeals of Maryland, that

1. Any registered voter of the State who contends that the

2012 legislative districting plan, or any part thereof, is invalid shall file a petition, on or before 4:30 P.M. Tuesday, May 1, 2012, with the Clerk of this Court. The petition shall set forth: the particular part or parts of the plan claimed to be unconstitutional or in violation of the Voting Rights Act; the legal and factual basis for such claims; and, the particular relief requested, including any alternative district configuration suggested or requested by the petitioner(s).

2. The State's response to said petition(s) and alternative plan(s), as well as any briefs filed as *amicus curiae*, must be filed on or before 4:30 p.m. on Thursday, May 31, 2012.

3. The Honorable Alan M. Wilner, Retired Judge of the Court of Appeals, is hereby appointed to serve as the Court's Special Master.

4. By further order(s) of the Court to be issued, upon advice of the Special Master and after he confers with the parties and counsel, the Court shall establish deadlines and procedures for discovery; preliminary motions; the location, date, and time of the evidentiary or other hearing(s); the filing of the Special Master's written Report of findings of fact and conclusions of law; the filing with the Court of written exceptions to the Special Master's Report; the time, date and location of the Court's hearings in any exceptions; and, any other appropriate procedures.

5. The Clerk of the Court of Appeals shall give public

notice of this Order by posting the Order on the Maryland  
judicial website, and as otherwise directed by the Court.

/s/ Robert M. Bell  
Chief Judge