IN THE MATTER OF	*	IN THE
	*	
2022 LEGISLATIVE	*	COURT OF APPEALS
	*	
DISTRICTING OF THE STATE	*	OF MARYLAND
	*	
	*	MISC. NO.
	*	
	*	TERM,

PETITION FOR REVIEW AND REQUEST FOR RELIEF

Pursuant to Article III Section 5 of the Constitution, I, Seth Edward Wilson, hereby request judicial review of the districting of the State, in particular the district identified as District 2A, located primarily in Washington County and extending in part into Frederick County. District 2A violates Article III Section 4 of the Constitution of Maryland and Section 1 of the 14th Amendment of the United States Constitution.

I am a registered voter who lives in Washington County who is adversely affected by this decision, a citizen of Maryland, and a citizen of the United States. I am also a resident of and former candidate for the Republican nomination for Delegate in the district that was abolished in 2012 and likely candidate for the Republican nomination for Delegate in the 2022 election. I am an elected member of the Washington County Republican Central Committee, currently serving as its Chair, and as such represent other affected registered voters in Washington County. I participated in meetings of the Maryland Citizens Redistricting

Commission. I signed up to provide oral testimony against the proposed legislative plan, which ultimately was passed by the Maryland General Assembly, but was not provided the opportunity to speak.

MEMORANDUM

<u>Recital of facts</u>

1. I am representing myself in this matter and am currently involved with another petition to preserve my civil rights in this election cycle. Because of this and the limited time to present this petition, I request reasonable accommodations to rules of procedure to preserve my substantive rights and my right to be heard.

2. Petitions generally should be construed as to do substantial justice.

3. This court has decided that the creation of individual legislative districts is a justiciable matter.

4. The 2022 District 2A was created as a two-member district that crossed county lines between Washington and Frederick Counties.

5. The 2012 District 2A was created as a two-member district. This was a new multimember district, the boundaries of which lay entirely within Washington County.

6. The area of 2022 District 2A approximately comprises the areas of 2012 ~~2002~~ SW2/10
   Districts 2A and 2B as drawn by this court. In addition, a small part of District
   3B was shared by Washington County.

7. This court has recognized that Western Maryland has traditionally had single
   member districts.

8. The population of Washington County was reduced for apportionment
   purposes because of the "No Representation Without Population Act" of
   2010.

9. This court has stated that including non-voting prison populations are
   appropriately used to balance populations to minimize the effects of crossing
   the boundaries of political subdivisions.

Argument

10. Article III Section 4 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."

11. District 2012 2A was created without any compelling state interest but was
    situated entirely within Washington County.

12. Further, I argue that District 2012 2A was created for purely partisan reasons,
    including punishing Delegate Neil Parrott for his statewide petition efforts,

and was part of an overall partisan scheme as admitted to by former Governor O'Malley in federal court.

13. District 2022 2A has not been created as a two member district for any compelling reason.

14. District 2022 2A violates Article III Section 4 because it fails to respect the political subdivision between Washington County and Frederick County.

15. Maps drawn by the Maryland Citizens Redistricting Commission show that it is possible to have at least two single member districts in Senate District 2 that respect political subdivisions and lie entirely within Washington County.

16. Whatever partisan political nonsense might be used as justification of a two-member district in Washington County, this court has held that political considerations do not trump the Constitution of Maryland. With the creation of 2022 District 2A, the General Assembly has literally and figuratively crossed a line that it did not in 2012 and cannot in 2022.

17. Federal courts may have held that states may adjust populations by excluding prison populations, but they have not held that any state is compelled to do so.

18. Optional adjustments to populations prior to apportionment should not be confused with the legal requirement to equalize those populations after they are adjusted. In other words, appeals to Reynolds v. Sims and the like to defeat constitutional challenges to these optional adjustments are invalid.

19. In the case of Senate District 1 and 2, and perhaps other districts in the state, application of the "No Representation Without Population Act" of 2010 violates Article III Section 4 of the Constitution of Maryland when applied to districts that cross county lines. Adjustments of population are a legislative consideration that cannot supersede the Constitution of Maryland.

20. Ultimately, there are flaws in the reasoning behind the "No Representation Without Population Act" where nonvoting prison populations are concerned.

21. Further, it is unclear to me how the populations were adjusted prior to apportionment. There may be a lack of public notice and participation in these adjustments.

Relief

22. Because the 2022 districts created in Washington County by the General Assembly violate the Constitution of Maryland, and by extension therefore the Constitution of the United States, I ask the court to order that single member districts be drawn for Senate District 2, at least two of which lie entirely within Washington County.

23. I further request the districts in Senate District 2 be redrawn to mirror as closely as possible the single member districts it created in 2002.

24. I suggest that those 2002 maps be altered to remove the 2002 3B section from Washington County and that 2002 2A be extended into Frederick County only as far as necessary to achieve population equalization.

25. Further, I request that the population adjustment to 2022 Senate Districts 2 and 1 due to the "No Representation Without Population Act" of 2010 be declared null and void because it conflicts with the Constitution of Maryland and that the populations removed as a result be added back into the population of those districts prior to reapportionment.

I solemnly affirm under the penalties of perjury that these statements are true to the best of my knowledge, information, and belief.

Seth Wilson

Sworn and subscribed to before this 10 day of Feb, 2022,

My commission expires

MICHAEL EARL BARNES
NOTARY PUBLIC
WASHINGTON COUNTY, MARYLAND
MY COMMISSION EXPIRES March 25, 2025
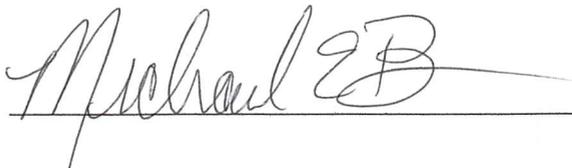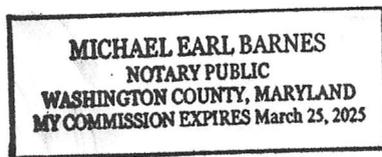
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of February, 2022, a copy of this

petition was served on the Office of the Attorney General of Maryland, in

accordance with this court's order, to civil_service@oag.state.md.us, in

accordance with instructions from that office dated March 12, 2020.

I agree to receive electronic service at gopseth@outlook.com.

_____

Seth Wilson

IN THE MATTER OF	* IN THE
	*
2022 LEGISLATIVE	* COURT OF APPEALS
	*
DISTRICTING OF THE STATE	* OF MARYLAND
	*
	* MISC. NO. 27
	*
	* SEPTEMBER TERM, 2021

CERTIFICATE OF SERVICE

I certify that on the 11th day of February, 2022, the foregoing scanned copy of the annotated paper copy of my PETITION FOR REVIEW AND REQUEST FOR RELIEF, paper copies of which were sent via FedEx on that same date to the Court of Appeals, was e-mailed to civil_service@oag.state.md.us and vfowley@oag.state.md.us.

I further certify that on this 15th day of February, 2022, the foregoing scanned copy of the annotated paper copy of my PETITION FOR REVIEW AND REQUEST FOR RELIEF and this CERTIFICATE OF SERVICE were filed and served on the State of Maryland via the MDEC system.

_____

Seth Wilson