LINDSAY WHEATLEY, *et al.*	*	**IN THE CIRCUIT COURT**
Plaintiffs	*	**FOR DORCHESTER COUNTY**
v.	*	
	*	**STATE OF MARYLAND**
MARYLAND STATE BOARD OF ELECTIONS, *et al.*	*	**Case No.: C-09-CV-26-000285**
Defendants	*	

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OPINION AND ORDER OF COURT

A hearing was held on August 27, 2026, in the Circuit Court for Dorchester County, Maryland to consider the parties' cross Motions for Summary Judgment. The Plaintiffs were represented by Strider Dickson, Esq. and Victoria Brohawn, Esq., and Defendants were represented by Daniel Kobrin, Esq.

STATEMENT OF FACTS

On July 17, 2026, Governor Moore issued a proclamation convening the Maryland General Assembly in an Extraordinary Session commencing August 3, 2026, for the stated purpose of "passing legislation to amend the State constitution to clarify and reaffirm that the provisions which govern the requirements of our State legislative districts do not apply to Maryland's congressional districts." Pl. Ex. A, Executive Order 01.01.2026.14. House Bill 2100 (hereinafter "HB 2100") was introduced in the House on August 3, 2026, for the purpose of altering Article III, § 4 of the Maryland Constitution such that only General Assembly districts are required to consist of adjoining territory, be compact in form, be of substantially equal population, and with due regard to natural boundaries and political subdivisions. The Bill also added Article III, §§ 62(a) and 62(b) which provide that the Maryland General Assembly may grant the Supreme Court

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of Maryland original jurisdiction to review the State's congressional districting plans and that no provision of the Maryland Constitution applies to the State's congressional districting. HB 2100 stated the question used on the ballot shall appear as follows:

> The proposed Constitutional Amendment clarifies that certain standards in the Maryland Constitution apply only to districts used to elect members of the General Assembly; authorizes the General Assembly to grant original jurisdiction to the Supreme Court of Maryland to review the congressional districting plan of the State; and requires the criteria for boundaries of congressional district to be determined by applicable federal laws.

Though HB 2100's original language preceding the proposed ballot question language included that, "[a]t that general election, a question substantially similar to the following shall be submitted to the qualified voters of the State," that language was stricken by amendment in the House and replaced with, "[n]otwithstanding any other provision of law, at that general election, the following question shall be submitted to the qualified voters of the State." Pl. Ex. C, House Bill 2100, Section 3(b)(2).

HB 2100 passed both chambers of the General Assembly on August 4, 2026, and Governor Moore signed the Bill into law on August 5, 2026. On August 7, 2026, the State Board of Elections posted the full text of the proposed amendment on its website, labelled as "Question 3," for the November 2026 general election.

PROCEDURAL HISTORY

Plaintiffs timely filed this Petition for Review under Md. Code Ann., Election Law § 12-202 and Complaint for Declaratory and Injunctive Relief on August 10, 2026. In the Petition/Complaint, Plaintiffs ask the Court to enjoin the inclusion of the ballot question posed by HB 2100 on the November 3, 2026, ballot, asserting that Defendants failed to comply with constitutional and statutory requirements for the content and notice of a ballot question for a proposed constitutional amendment, and violated the constitutional mandate that the proposed

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amendment present a single subject matter for voters' consideration. Plaintiffs raise three issues in the Complaint: Violation of Maryland's Constitution and Declaration of Rights (Count I), Violation of Election Law Article (Count II), and Violation of Maryland's Single-Subject Requirement under Article XIV, § 1 (Count III). Defendants filed a Motion for Summary Judgment on August 21, 2026, claiming that Plaintiffs cannot prevail on any of the counts alleged in the Complaint as the Maryland General Assembly is not bound by the provisions of Election Law Article §§ 7-103 and 7-105 of the Annotated Code of Maryland (hereinafter "EL § 7-103/7-105") when the legislature opts to draft its own ballot question and because the contents of the proposed amendment concern a single subject: state and federal districting plans. On August 26, 2027, Plaintiffs filed a cross Motion for Summary Judgment, alleging that they are entitled to judgment in their favor as a matter of law. Both Motions for Summary Judgment are now properly before the Court for consideration.

STANDARD OF REVIEW

To prevail in a suit filed under Election Law § 12-202 of the Annotated Code of Maryland, a plaintiff must prove by clear and convincing evidence: (1) the absence of any other adequate remedy in the Election Law Article, (2) an act or omission related to an election, (3) that the act or omission is unlawful according to a "law applicable to the elections process," and (4) that the act or omission "may change or has changed the outcome" of the election at issue.

Following a motion for summary judgment pursuant to Maryland Rule 2-501, granting the motion in favor of the moving party is appropriate if (1) there is no genuine dispute as to any material fact and (2) the moving party is entitled to judgment as a matter of law. For the purpose of summary judgment, a material fact is one where "the resolution of which will somehow affect the outcome of the case." *Lowman v. Consolidated Rail Corp.*, 68 Md. App. 64, 69 (1986). In

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order to succeed on a motion for summary judgment, the moving party, through affidavits or other sworn statements of fact based on personal knowledge, bears the burden to demonstrate that no material fact is actually disputed. *See Sterling v. Johns Hopkins Hosp.*, 145 Md. App. 161, 168 (2002).

DISCUSSION

The parties agree that the case is ripe for ruling on the cross Motions for Summary Judgment as there is no dispute of material facts and the prevailing party is entitled to judgment as a matter of law. Plaintiffs' Petition for Review Under Md. Code Ann., Election Law § 12-202 and Complaint for Declaratory and Injunctive Relief raised three counts: (1) Violation of Maryland's Constitution and Declaration of Rights, (2) Violation of Election Law Article Sections 7-103 and 7-105, and (3) Violation of Maryland's Single-Subject Requirement.

1. VIOLATION OF MARYLAND'S CONSTITUTION AND DECLARATION OF RIGHTS

Plaintiffs contend that HB 2100's language violates the Maryland Constitution and Declaration of Rights specifically that HB2100's proposed ballot question does not provide adequate notice to voters because the ballot question is misleading and confusing so that an average voter would not be able to make an intelligent choice. The proposed ballot question from HB 2100 states:

> The proposed Constitutional Amendment clarifies that certain standards in the Maryland Constitution apply only to districts used to elect members of the General Assembly; authorizes the General Assembly to grant original jurisdiction to the Supreme Court of Maryland to review the congressional districting plan of the State; and requires the criteria for boundaries of congressional districts to be determined by applicable federal laws.

Plaintiffs allege that the words "clarifies" and "certain standards" are misleading and provide an incomplete description of HB 2100's effects. Plaintiffs and Defendants dispute whether

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the state of the law in Maryland as it relates to the application of Maryland Constitutional standards to congressional districts needs to be clarified. Plaintiffs contend that the law is clear that Maryland Constitutional standards apply to districting plans at the State and Federal level. *See, Szeliga, et al. v. Lamone, et al.*, C-02-CV-21-1816, Circuit Court for Anne Arundel County. Defendants state that the *Szeliga* case is not binding precedent, there are two federal district court cases that take the opposite position, and the issue has not been resolved by a Maryland appellate court. Plaintiffs also assert that the term "certain standards" is not acceptable because the question does not get rid of certain standards and leave some standards remaining, instead it removes all standards in the Maryland Constitution from applying to congressional districting plans. Plaintiffs also contend that the General Assembly's failure to follow requirements under the Election Law Article provides insufficient notice to voters. Specifically, Plaintiffs state that the General Assembly's failure to comply with the Election Law Article's timing provisions and opportunity for public comment have infringed on voters' constitutional rights to due process and adequate notice. Plaintiffs additionally claim that the ballot question is misleading because it fails to comply with EL § 7-103(b)(6) which requires a question to provide "a brief statement explaining what the practical outcome of each voting choice would be." Plaintiffs point to the other proposed ballot questions for November 3, 2026, Pl. Ex. E to Pl. Pet./Compl., all of which provide an explanation of the outcome of a vote for either option. Only the question proposed by the General Assembly related to redistricting fails to provide an explanation.

Defendants' position is that the language of the ballot question is sufficient for a voter to make a reasonable choice, the language used is not misleading, and the Court should be deferential to the language proposed by the General Assembly. Defendants also contend that the state of the law on the application of Article III, § 4 is not clear, so the word "clarifies" is accurate and not

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misleading. Further, Defendants assert that if the first clause is read in conjunction with the last clause, it is clear that all standards in the Maryland Constitution would not apply to congressional districts, such that the phrase "certain standards" is not misleading or confusing to voters.

The Court finds that the language used in Question 3, as well as the General Assembly's failure to comply with the provisions of the Election Law Article, fail to provide adequate notice to voters as required by the Maryland Constitution and the Declaration of Rights. Further, the language is misleading and does not provide voters with adequate information or an explanation for an informed vote. While the decision in *Szeliga* has not been addressed by the appellate courts in Maryland, it does not appear that there was confusion as to the law. In the Preamble to House Bill 2100, the General Assembly stated that *Szeliga* "held that Article III, § 4 districting standards apply to congressional districts." The next section of the Preamble states that, "This amendment clarifies the long-standing understanding and case law that Article III, § 4 governs only General Assembly districting plans, not congressional plans." This statement is in direct conflict with the prior statement. There is no long-term understanding or case that provides for the standards under Article III, § 4 not to be applicable to congressional districts. The only case cited held the opposite. *See Szeliga*. The term "clarifies" is misleading in the ballot question as there is no confusion that needed to be clarified. The Court also finds that the term "certain standards" is misleading and confusing to a voter. The practical effect of HB 2100 is to remove all Maryland Constitutional standards and protections from congressional districting plans. That is not clear from the ballot question. Defendants argue that the voter has to read the first clause with the third clause to interpret the overall effect on congressional districting plans. It should not be this confusing for a voter.

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Even if the Court was satisfied that the terminology used was not misleading, the complexity of the terminology, along with the General Assembly's failure to abide by time constraints to provide notice, to provide time for public comment, and significantly to provide a brief statement explaining the practical outcome of each voting choice—which could have helped to clarify the effect of the question—cumulatively undermine the Court's confidence that the ballot question and the procedure employed by the General Assembly adequately apprised voters of the amendment and its function. The Court finds that the ballot language and the General Assembly's failure to abide by the Election Law Article has resulted in voters not being provided with adequate notice of the purpose and effect of the ballot question so that they can make an informed vote.

2. VIOLATION OF ELECTION LAW ARTICLE SECTIONS 7-103 AND 7-105

Plaintiffs contend under Count II of the Petition/Complaint that the General Assembly, due to the timing of the special session on August 3rd and 4th, 2026, and the wording of the ballot question, has violated multiple provisions of EL §§ 7-103 and 7-105. The General Assembly has passed a series of laws which cover the process of proposing a ballot question to amend the Maryland Constitution. These laws have been amended multiple times including amendments that took effect June 1, 2026, under Senate Bill 29, which among other requirements provided for specific timelines for ballot questions, some of which timelines the General Assembly did not abide by with the question at issue in this case. Defendants contend that it has not violated these laws because a ballot question drafted by the General Assembly pursuant to Article XIV of the Maryland Constitution is not subject to the same laws that the General Assembly passed to be applicable to ballot questions drafted by other governmental entities. Defendants argue that the process and time restrictions in EL §§ 7-103 and 7-105 do not apply to a ballot question when it is

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drafted by the General Assembly, the question language is contained in the enactment, and the enactment clearly specifies that the exact language included is to be used on the ballot.

Defendants do not cite to any authority for its position but instead state that it is implicit that the General Assembly's constitutional authority under Article XIV cannot be limited by law. In other words, that the General Assembly does not have the authority to enact laws that limit its own constitutional authority. The Court is not convinced that the laws are a limitation of its constitutional authority. Title 7 of the Election Law Article provides numerous affirmative statements to evidence the General Assembly's intent that Title 7 applies to all ballot questions. Section 7-101 of the Election Article states that, "This title applies to the following types of ballot questions: . . . (ii) an amendment pursuant to Article XIV of the Maryland Constitution. . . . (6) a question referred to the voters pursuant to an enactment of the General Assembly." Section 7-101 also includes a catch all that the title applies to "(10) any other question that will be voted on in an election conducted pursuant to this article." Defendants contend that EL § 7-103(c)(1) does not apply because the General Assembly did not delegate the drafting of the ballot question to the Secretary of State, but that section states that, "the Secretary of State shall prepare and certify to the State Board the information required under subsection (b) of this section, for all statewide ballot questions." The section states that it applies to all statewide ballot questions and does not have an exclusion for a ballot question drafted by the General Assembly pursuant to Article XIV of the Constitution. EL § 7-103(b) additionally requires each question that appears on the ballot to contain certain information.

The provisions of Title 7 of the Election Law Article provide a statutory scheme to provide due process for a proposed Amendment to the Maryland Constitution to be placed on the ballot. Defendants now argue that scheme does not apply to the General Assembly by a simple decision

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to draft the text of the ballot question itself, rather than delegating that task, by putting the text in the enactment, and having the enactment state that the selected ballot question language is to be used on the ballot. EL § 7-105(b)(3). In this case, this would excuse the General Assembly from violating EL § 7-103(c)(1) (that on or before July 1 the Secretary of State shall prepare and certify to the State Board the information in subsection (b) for all statewide ballot questions), § 7-105(b) (that the notice required under this section would be prepared and submitted to the State Board of Elections on or before August 3), § 7-105(e) (the State Board has to post the notice required on or before August 5), and § 7-103(c)(5) (the State Board shall make the information submitted available to the public for a 15-day comment period). As it relates to the ballot question in this case, the State did not even attempt to comply with the 15-day comment period for the public.

The General Assembly passed election laws to provide a statutory process for the placing of Constitutional amendment questions on the ballot, not as a mechanism to limit the General Assembly's constitutional power pursuant to Article XIV to propose amendments to the Constitution. The laws establish process and procedure to guarantee the due process of placing proposed Constitutional amendments on the ballot. The General Assembly should not be able to opt out of its own statutory process, some of which process was just enacted and effective June 1, 2026. HB 2100 itself evidences that the General Assembly knew it had a compliance problem with its election laws as HB 2100 states in section 3(b)(2) just before the ballot question that, "Notwithstanding any other provision of law, at that general election, the following question shall be submitted to the qualified voters of the State." The General Assembly attempted to opt out of its own laws by stating that the question shall be submitted to the voters with no regard for any other provision of law. The General Assembly failed to abide by the laws it had enacted as recently as this year. The laws are not a limitation to the General Assembly's constitutional authority but

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are an enacted process for the exercise of that authority. Due to this failure, the Court finds that Question 3 as proposed by House Bill 2100 is unlawful and will not be placed on the ballot.

3. VIOLATION OF MARYLAND'S SINGLE-SUBJECT REQUIREMENT

Plaintiffs allege under Count III of the Complaint that HB 2100 as drafted and passed by the General Assembly to be voted on by eligible voters violates Article XIV, § 1 of the Constitution which requires constitutional amendments to concern a single subject. They argue that the three elements of the proposed amendment—that criteria provided by the Maryland Constitution only apply to General Assembly districts, that the General Assembly is authorized to grant the Supreme Court of Maryland original jurisdiction over congressional district plan review, and that no provision of the Maryland Constitution shall apply to congressional districts, rather federal standards are applicable—serve distinct, disjointed purposes. Defendants in their opposition assert that all three changes to be performed by the amendment if passed fit neatly under the subject of state districting.

The single-subject requirement of Article XIV, § 1 does not prohibit a proposed amendment from providing for multiple constitution changes. Rather, such a multiple-purpose amendment must ensure that each change included involves "interlocking concepts" that are "so functionally interrelated as to present a single subject." *Andrews v. Governor of Maryland*, 294 Md. 285, 300 (1982). Defendants correctly argue that the General Assembly's authority to propose constitutional amendments enjoys wide discretion, however, it is not unlimited discretion. Although Defendants assert that no Maryland court "has ever detected such a clear violation," Def. Mem. Supp. Summ. J. 41., this does not bar the Court from ever finding such a violation. Plaintiffs direct the Court to several cases from other States where the courts found a violation of their States' single-subject requirement. As the Supreme Court of Maryland stated, "We cannot assume that

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the Legislature would propose an amendment, which might contain matters obviously not related, but if it did, then the Courts would have the power to pass upon the proposal and to determine whether or not Article XIV had been followed." *Hillman v. Stockett*, 183 Md. 641, 653 (1944).

The Court finds that the three clauses in the ballot question are not interlocking concepts that are so functionally related to present a single subject. Specifically, the Court does not agree that the question of whether the voters want to authorize the General Assembly to grant original jurisdiction to the Supreme Court is an interlocking concept with whether certain standards in the Maryland Constitution apply to congressional districts and State districts or only to State districts and that only federal law applies to congressional districts. A voter may want to cast a different vote on whether the voter wants Maryland Constitution standards to apply only to districts for members of the General Assembly and for only federal law to apply to congressional districting plans versus authorizing the General Assembly to grant jurisdiction to the Supreme Court. A vote for or against authorizing the General Assembly to grant jurisdiction to the Supreme Court would not create confusion as to an opposite vote on the other clauses. The Court finds that the text of the proposed ballot question violates the single subject clause of Article XIV of the Maryland Constitution.

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ORDER

WHEREAS, the Court finds that Plaintiffs have proven by clear and convincing evidence that there is an absence of any other adequate remedy in the Election Law Article, the act at issue is related to an election, that the act is unlawful according to a law applicable to the election process, and that the act may change the outcome of the election at issue; and

WHEREAS, the Court finds that, pursuant to Section 12-202 of the Election Law Article of the Annotated Code of Maryland, Plaintiffs are entitled to judicial relief; and

WHEREAS, the Court finds that there is no dispute as to any material fact; and

WHEREAS, the Court finds that Plaintiffs are entitled to judgment as a matter of law under each Count of the Complaint.

THEREFORE, in consideration of the pleadings filed, arguments made by the parties at the motions hearing on August 27, 2026, and the reasons stated in the attached Opinion, it is this 28th day of August, 2026, by the Circuit Court for Dorchester County, State of Maryland, hereby

ORDERED, that Plaintiffs' Motion for Summary Judgment is **GRANTED**; and it is further

ORDERED, that Defendants' Motion for Summary Judgment is **DENIED**; and it is further

ORDERED, that the State Board of Elections is **ENJOINED** from including statewide ballot Question 3 on the November 3, 2026, ballot; and it is further

ORDERED, that the execution of this injunction is **STAYED** pending an appeal of this ruling to the Supreme Court of Maryland.

JUDGE

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