E-FILED; Anne Arundel Circuit Court
Docket: 8/6/2026 7:45 PM; Submission: 8/6/2026 7:45 PM
Envelope: 27703622

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

MICHAEL L. HOWELL *
[SEALED]
[SEALED] *

JAMES MATTHEW MORGAN *
[redacted]
Mechanicsville, MD 20659 *

ROBIN L. GRAMMER, JR. *
[redacted]
Essex, MD 21221 *

KATHRYN SZELIGA *
[redacted]
Perry Hall, MD 21128 *

BRIAN ALAN CHISHOLM *
[redacted]
Severna Park, MD 21146 *

C-02-CV-26-001986

Case No. _____

MARK NICHOLAS FISHER *
[redacted]
Prince Frederick, MD 20678 *

LAUREN ARIKAN *
[redacted]
Monkton, MD 21111 *

RYAN MICHAEL NAWROCKI *
[redacted]
Middle River, MD 21220 *

STEPHEN S. HERSHEY *
[redacted]
Queenstown, MD 21658 *

JUSTIN D. READY *
[redacted]
Manchester, MD 21102 *

each individually in their personal * capacity as a resident and registered voter of the State of Maryland, *

Plaintiffs,	*
v.	*
MARYLAND STATE BOARD OF ELECTIONS 151 West Street Suite 200 Annapolis, MD 21401	*
JARED DEMARINIS in his official capacity as Administrator of the Maryland State Board of Elections, 151 West Street Suite 200 Annapolis, MD 21401	*
SUSAN C. LEE, in her official capacity as Secretary of State of Maryland, 16 Francis Street Annapolis, MD 21401	*
ANTHONY G. BROWN, in his official capacity as Attorney General of Maryland, 200 St. Paul Place Baltimore, MD 21202	*
WESTLEY ("WES") WATENDE OMARI MOORE, In his official capacity as the Governor of Maryland, 100 State Circle Annapolis, MD 21401	*
Defendants.	*

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF; PETITION FOR JUDICIAL REVIEW UNDER ELECTION LAW § 12-202

Plaintiffs Michael L. Howell, James Matthew Morgan, Robin L. Grammer, Jr., Kathryn Szeliga, Brian Alan Chisholm, Mark Nicholas Fisher, Lauren Arikan, Ryan Michael Nawrocki,

Stephen S. Hershey, and Justin D. Ready, each in their personal capacity as a resident and registered voter of the State of Maryland (collectively, "Plaintiffs"), by and through undersigned counsel, bring this Complaint and Petition for Judicial Review against Defendants Maryland State Board of Elections, Jared DeMarinis, in his official capacity as Administrator of the Maryland State Board of Elections, Susan C. Lee, in her official capacity as Secretary of State of Maryland, Anthony G. Brown, in his official capacity as Attorney General of Maryland, and Westley ("Wes") Watende Omari Moore, in his official capacity as Governor of Maryland (collectively, "Defendants"), and in support allege as follows:

NATURE OF THE ACTION

1. This action challenges the placement of a proposed constitutional amendment on the November 3, 2026 general election ballot.

2. Maryland House Bill 2100 ("HB 2100") was passed on August 4, 2026 and approved by the Governor on August 5, 2026. *See* 2026 Md. Laws, ch. 881 (H.B. 2100).

3. HB 2100 purports to present voters with the choice to amend the Maryland Constitution to remove restrictions on the geographic boundaries of congressional districts. But that is not what it does.

4. HB 2100 violates multiple provisions of law regulating ballot access in a statute which was just passed and approved by the Governor in May of this year along bipartisan lines. *See* 2026 Md. Laws, ch. 439 (S.B. 29). Moreover, HB 2100 purports to supersede all conflicting provisions of Maryland law regarding the placement of the proposed constitutional amendment on the general election ballots, stating: "Notwithstanding ***any other provision of law***, at [the November 3, 2026] general election, the following question shall be submitted to the qualified voters of the State[.]" HB 2100 § 3(b)(2) (emphasis added). HB 2100 neither puts this *non*

obstante clause to the voters, nor passes it via bicameralism and presentment. Rather, its sponsors and drafters attempted to hide it under the rubric of what they termed a "technical" amendment. *See* Education, Energy, and the Environment Committee, *Bill Hearing*, MARYLAND GENERAL ASSEMBLY, at 22:30–22:40 (Aug. 3, 2026), https://mgaleg.maryland.gov/mgawebsite/Committees/Media/false?cmte=eee&clip=EEE_8_3_2026_meeting_1&ys=2026rs.

5. HB 2100 suffers from a number of structural defects. It (A) unlawfully supersedes the notice and certification provisions of the Maryland Code, (B) violates both the bicameralism and presentment and single-subject requirements of the Maryland Constitution, and (C) violates articles 7 and 24 of the Maryland Declaration of Rights.

6. Maryland will argue that affixing the Governor's signature to HB 2100 converts the *non obstante* clause in the bill into a law that comports with bicameralism and presentment. This is an improper attempt to fuse a constitutional process for putting constitutional-amendment referenda in front of Maryland's voters (a process of question formulation that does not involve the Governor) with the process for passing an ordinary law. We explain this point in greater detail below and we also explain that HB 2100 cannot be construed as a valid ordinary law because it was not justified as an emergency measure.

JURISDICTION AND VENUE

7. Md. Code Ann., Election Law ("EL") § 12-201 applies "to an issue arising in an election conducted under this article."

8. This Court has jurisdiction under Md. Code Ann., EL § 12-202, which authorizes a registered voter to seek judicial relief from any act or omission relating to an election, whether or not the election has been held, where the act or omission is inconsistent with the Election Law

Article or other law applicable to the elections process, and may change or has changed the outcome of the election. *See Maryland State Bd. of Elections v. Ambridge*, 489 Md. 404, 446 (2025); *see also Ademiluyi v. Egbuonu,* 466 Md. 80, 115 (2019) ("EL § 12-202 provides statutory standing to voters, in certain instances, to challenge aspects of elections including procedure and the results.").

9. This Court additionally has jurisdiction to enter a declaratory judgment under Md. Code Ann., Cts. & Jud. Proc. § 3-409, both because an actual controversy exists between Plaintiffs and Defendants concerning the lawfulness of certifying and placing the proposed amendment on the November 3, 2026 ballot and because a declaration will terminate that controversy.

10. A justiciable controversy requires that there be "interested parties asserting adverse claims upon a state of facts which must have accrued wherein a legal decision is sought or demanded." *Smigiel v. Franchot*, 410 Md. 302, 320 (2009) (citation omitted).

11. This Court has authority to grant preliminary and permanent injunctive relief under Md. Rule 15-501, *et seq.*

12. Venue is proper in the Circuit Court for Anne Arundel County because the Maryland State Board of Elections, the Secretary of State, the Attorney General, and the Governor maintain their principal offices in Anne Arundel County and the acts and omissions complained of occurred or follow-on acts will occur there. *See* Md. Code Ann., EL § 12-202(b) (fixing venue in the "appropriate circuit court"); *see also* Md. Code Ann., Cts. & Jud. Proc. § 6-201 (which we allege fixes the appropriate circuit court as the one where defendants "maintain[their] principal offices in the State").

13. This action is timely filed within 10 days of the act or omission giving rise to this Complaint, or of the date such act or omission became known to Plaintiffs, as required by Md. Code Ann., EL § 12-202(b)(1).

PARTIES

14. Plaintiff Michael L. Howell is a resident and registered voter of the State of Maryland.

15. Plaintiff James Matthew Morgan is a resident and registered voter of the State of Maryland.

16. Plaintiff Robin L. Grammer, Jr. is a resident and registered voter of the State of Maryland.

17. Plaintiff Kathryn Szeliga is a resident and registered voter of the State of Maryland.

18. Plaintiff Brian Alan Chisholm is a resident and registered voter of the State of Maryland.

19. Plaintiff Mark Nicholas Fisher is a resident and registered voter of the State of Maryland.

20. Plaintiff Lauren Arikan is a resident and registered voter of the State of Maryland.

21. Plaintiff Ryan Michael Nowracki is a resident and registered voter of the State of Maryland.

22. Plaintiff Stephen S. Hershey is a resident and registered voter of the State of Maryland.

23. Plaintiff Justin D. Ready is a resident and registered voter of the State of Maryland.

24. Each Plaintiff has a direct and personal interest, as a registered Maryland voter, in ensuring that only lawfully certified questions are placed before Maryland voters, and each will be

required to vote, or to forgo voting, on the proposed amendment as a ballot question at the November 3, 2026 general election, if the relief requested herein is not granted.

25. Defendant Maryland State Board of Elections is the state agency responsible for administering elections in Maryland, including the certification, printing, and canvassing of statewide ballot questions, and is charged with compliance with Md. Code Ann., EL §§ 7-103, 7-105.

26. Defendant Jared DeMarinis is sued in his official capacity as Administrator of the Maryland State Board of Elections, and is responsible for implementing the Board's statutory duties under Md. Code Ann., EL §§ 7-103, 7-105.

27. Defendant Susan C. Lee is sued in her official capacity as Secretary of State of Maryland, and is responsible for preparing and certifying the text of the proposed amendment to Defendant Maryland State Board of Elections under Md. Code Ann., EL § 7-103(c)(1).

28. Defendant Anthony G. Brown is sued in his official capacity as Attorney General of Maryland, and is responsible for approving statutory language under Md. Code Ann., EL § 7-105(b)(2)(ii).

29. Defendant Wes Moore is sued in his official capacity as Governor of Maryland. He called the Special Session at which HB 2100 was debated and passed. He purported to sign and approve HB 2100. And he gave a press conference in which he took credit for its passage as one of his signature initiatives.

LEGISLATIVE HISTORY

30. On July 7, 2026, Senate President Bill Ferguson, Speaker Joseline Peña-Melnyk, and Defendant Governor Wes Moore announced that the General Assembly would convene in special session August 3–5, 2026 to consider legislation placing a redistricting-related

constitutional amendment before voters at the November 3, 2026 general election. *See* Bryan P. Sears, *Ferguson, Peña-Melnyk Announce Special Session for Redistricting*, MARYLAND MATTERS (July 7, 2026), https://marylandmatters.org/2026/07/07/ferguson-pena-melnyk-announce-special-session-for-redistricting/.

31. Defendant Governor Moore issued an Executive Order convening the Special Session declaring, in relevant part: "My Administration is committed to working with the General Assembly to clarify the constitutional standards that govern the establishment of the State of Maryland's federal congressional districts." Md. Exec. Order No. 01.01.2026.14 (July 17, 2026).

32. The actual purpose of the proposed amendment is to overrule via constitutional amendment a judicial decision holding that congressional districts be "compact and contiguous." *See Szeliga v. Lamone*, No. C-02-CV_21-001816, 2022 WL 2132194 (Md. Cir. Ct. Anne Arundel Cnty, Mar. 25, 2022) (Bataglia, J.).

33. This change to the Maryland Constitution is designed to set the groundwork for the General Assembly to redraw Maryland's congressional map.

34. HB 2100 required a three-fifths vote of all members elected to each house of the General Assembly, consistent with Md. Const. art. XIV, § 1. Article XIV, Section 1 establishes a special constitutional process that does not require signature of the Governor or provide that if the Governor affixes his signature to HB 2100 anyway his doing so can carry any constitutional or legal significance whatsoever.

35. HB 2100 was passed by the General Assembly on August 4, 2026 and approved by Defendant Governor Moore on August 5, 2026.

36. Passage of HB 2100 was marked by unseemly haste in the legislative process and a failure to allow any sort of meaningful deliberation. For example, the Senate Committee

proceedings were rushed through at such a pace that the Minority was prevented from having time to draft a single amendment. *See* MGA - EEE (@mga-eee1773), *EEE Committee Session, 8/4/2026 #1*, YOUTUBE, at 55:00 to 60:00 (Aug. 4, 2026), https://www.youtube.com/watch?v=rObGXr1eYjU.

37. HB 2100 could not effectuate its purpose this year without ignoring the timing and notice requirements that the General Assembly passed and Defendant Governor Moore signed into ordinary law as adopted in Senate Bill 29 during the 2026 regular session. *See* 2026 Md. Laws, ch. 439 (S.B. 29).

38. SB 29 was pre-filed on August 20, 2025, passed out of the Senate on February 5, 2026 by a vote of 44-0, passed the House on April 13, 2026 by a vote of 135-0, and approved by Defendant Governor Moore on May 12, 2026, with an effective date of June 1, 2026.

39. SB 29's revisions to Md. Code Ann., EL § 7-105(c)(1) require Defendant Secretary of State to "prepare and certify to the State Board the information required under subsection (b) of this section, for all statewide ballot questions" ***on or before July 1, 2026***.

40. Similarly, SB 29 revised Md. Code Ann., EL § 7-103(c)(1) to replace the prior 95-day rule with a fixed calendar deadline: Defendant Secretary of State must certify statewide ballot question language to Defendant Maryland State Board of Elections "on or before July 1 immediately preceding a general election." For the November 3, 2026 election, that is July 1, 2026—a full month before the Special Session even convened on August 3.

41. The revised text of Md. Code Ann., EL § 7-103(c)(1) is clear: "On or before July 1 immediately preceding a general election, 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 and all questions relating to an enactment of the General Assembly which is petitioned to referendum."

42. Md. Code Ann., EL § 7-103 contains no provision for late statewide certifications.

43. Maryland's Election Laws governing ballot measures are designed to ensure the citizenry participate in elections fully informed of their choices with sufficient notice for all constitutional ballot measures.

44. Furthermore, SB 29 grants the public a right of notice and comment on ballot measures by requiring a 15-day comment period. *See* Md. Code Ann., EL § 7-103(c)(5)(ii); ("The State Board shall make information submitted in accordance with this subsection available to the public for a 15-day comment period."). Notably, Md. Code Ann., EL § 9-207(f) provides that "[t]he certification of a ballot under this section that includes a question may not be construed to be a certification of the ballot language required to be included on the ballot under § 7-103 of this article, including the plain language condensed statement required under § 7-103(b)(4) of this article."

45. The deadline for the submission of ballot language for constitutional amendments is an important restriction to note because that restriction is intended to govern the actions of Defendant Secretary of State and Defendant Maryland State Board of Elections.

46. In relation to the constitutional amendment initiated by Special Session, HB 2100, there is no planned comment period, which also deprives the public of their statutory right to participate in and engage in a fair election process. The Joint Committee's (Senate Education, Energy, and Environment Committee together with the House Government, Labor, and Elections Committee) the highly limited public comments made to the hearing on HB 2100 do not constitute an acceptable alternative to the statutory scheme. *See*

https://mgaleg.maryland.gov/mgawebsite/Meetings/Day/08032026?budget=show&cmte=allcommittees&updates=show&ys=2026rs (last visited Aug. 6, 2026).

47. Defendant Maryland State Board of Elections has already certified and published the text of three state ballot questions in accordance with state law, as well as county and municipal ballot questions. *See* Maryland State Board of Elections, *Ballot Questions for the November 3, 2026 Election*, https://elections.maryland.gov/elections/2026/ballot_questions.html (last visited Aug. 6, 2026).

48. The fact that Defendant Maryland State Board of Elections has followed the procedures prescribed by Maryland's Election Laws governing the deadlines for publication, notice and comment, and proper certification of the aforementioned ballot questions should increase scrutiny regarding the General Assembly's untimely passage of the ballot measure for the 2026 Special Session's proposed constitutional amendment on redistricting.

49. As of July 1, 2026, the proposed amendment had not been passed by the General Assembly and did not exist as enacted legislation capable of certification as a ballot question. Defendant Secretary of State could not have lawfully certified, and upon information and belief did not certify, the required ballot-question information for the proposed amendment to Defendant Maryland State Board of Elections by July 1, 2026, because there was no enacted statewide ballot question to certify.

50. Therefore, HB 2100 is void *ab initio* in violation of state statutory law that has never been repealed or legally rendered inapplicable to the subject matter of HB 2100. HB 2100 does not and never did carry the force or effect of law.

51. Upon information and belief, Defendants have taken steps to proceed, or intend to proceed, to place the proposed amendment on the November 3, 2026 ballot, despite the expiration of the § 7-103(c)(1) deadline.

DEFENDANTS' FAILURE TO COMPLY WITH REQUIRED NOTICE AND CERTIFICATION REQUIREMENTS

52. Title VII of Maryland Election Law applies to ballot questions, including questions relating to "an amendment pursuant to Article XIV of the Maryland Constitution." Md. Code Ann., EL § 7-101(1)(ii). Title VII requires both certification of statewide ballot questions, such as a constitutional amendment, and a notice period for voters. *See* Md. Code Ann., EL §§ 7-103, 7-105.

53. All statewide ballot questions must be prepared and certified by Defendant Secretary of State ***on or before July 1 immediately preceding a general election***. Md. Code Ann., EL § 7-103(c)(1).

54. All statewide ballot questions must contain certain information, including "a brief designation of the type or source of the question;" "a condensed statement describing the change in policy to be adopted in plain and clear language that: (i) a voter can easily understand; (ii) does not explain the legal mechanism providing for the policy change; and (iii) does not contain legal jargon[;]" "the voting choices that a voter has;" and "a brief statement explaining what the practical outcome of each voting choice would be." Md. Code Ann., EL § 7-103(b).

55. For questions submitted under article XIV of the Maryland Constitution, the Department of Legislative Services must draft a notice that contains the information required in Md. Code Ann., EL § 7-103(b) as well a "brief statement, prepared in clear and concise language, devoid of technical and legal terms to the extent practical, summarizing the question." Md. Code Ann., EL § 7-105(b)(1)–(b)(2)(i).

56. The language drafted by the Department of Legislative Services must be approved by Defendant Attorney General and submitted to Defendant Maryland State Board of Elections by the ***first Monday in August***. Md. Code Ann., EL § 7-105(b)(2)(ii)–(iii).

57. Defendant Maryland State Board of Elections must "post in a manner widely accessible to the public for at least 90 days before the general election: (1) the complete text of: . . . (ii) for an amendment under Article XIV of the Maryland Constitution, the proposed amendment to the Maryland Constitution." Md. Code Ann., EL § 7-105(e).

58. The General Assembly did not pass, and Defendant Governor Moore did not approve, the proposed amendment until August 5, 2026—after General Assembly's first-Monday-in-August deadline for notice and well past the certification deadline of July 1. Therefore, no statewide ballot question resulting from HB 2100 could have been timely prepared by the Department of Legislative Services, approved by Defendant Attorney General, and submitted to Defendant Maryland State Board of Elections for notice as required by § 7-105(b)(1)–(2); nor could the statewide ballot question be certified by July 1 in accordance with § 7-103(c)(1).

59. On information and belief, Defendants nonetheless intend to place the proposed amendment on the November 3, 2026 ballot notwithstanding noncompliance with the statutory requirements of Md. Code Ann., EL §§ 7-103(c)(1) and 7-105(b)(1)–(2), whether by treating its untimely submission as effective or by relying on subsequently enacted legislation purporting to extend or waive that deadline.

60. On information and belief, Defendants do not intend to comply with §§ 7-103(c)(1) and 7-105(b)(1)-(2) by July 1, 2027 so they can put the constitutional referendum on the ballot for the November 2, 2027, giving the voters a lawful and sufficient period of notice. They instead

formulated the rushed August 2026 Special Session in order to skip the first permissible referendum date and instead move that period up by one year to November 3, 2026.

61. Nor can Defendants rely on any separate, later certification of the ballot layout under Md. Code Ann., EL § 9-207 to cure the missed § 7-103(c)(1) deadline. Effective June 1, 2026, the General Assembly passed and Defendant Governor Moore approved § 9-207(f), which provides that certification of the ballot layout under § 9-207 "may not be construed to be a certification of the ballot language required to be certified under § 7-103 of this article." 2026 Md. Laws, ch. 439 (S.B. 29).

THE *NON OBSTANTE* CLAUSE

62. HB 2100 purports to supersede ***all*** of these notice and certification requirements through the inclusion of *non obstante* clause. *See* HB 2100 § 3(b)(2) ("Notwithstanding ***any other provision of law***, at [the November 3, 2026] general election, the following question shall be submitted to the qualified voters of the State[.]" (emphasis added)) [hereinafter, the "*Non Obstante* Clause"]. But pointedly, the *Non Obstante* Clause's attempted suspension of Sections 7-103 and 7-105 is not included in the "Question" that is to be put before the voters. *See id.* Nor does it purport to present the matter to the Governor for his approval or veto as a matter of ordinary legislation. Instead, it tries to bolt on a superfluous gubernatorial signature to a constitutional process in Article XIV that does not involve the Governor in relevant part. Lastly, it contains no declaration of emergency.

63. The *Non Obstante* Clause itself did not appear until the morning of the start of the Special Session when it was added with less than an hour notice in advance of the Joint Committee hearing. *See* MGA – Session – House (@mga-session-house9230), *House Floor Session, 8/3/2026 #2*, YOUTUBE, at 41:00–45:00 (Aug. 3, 2026),

https://www.youtube.com/watch?v=v0CH86uQ5uE. Thus, the people of Maryland were largely prevented from commenting on it and presenting testimony on its implications.

64. The Maryland General Assembly's Department of Legislative Service's Fiscal and Policy Note is clear that HB 2100 does not comply with applicable state laws regarding ballot procedures. *See* THOMAS S. ELDER, MD. DEP'T OF LEGIS. SERVS., FISCAL AND POLICY NOTE: FIRST READER, H.B. 2100, 2026 Sess., at 3 (2026) ("The Department of Legislative Services notes that the new statutory deadline of July 1 for certification of ballot questions by [Defendant Secretary of State] and [Defendant Maryland State Board of Elections] has passed. Even so, the bill specifies language for the ballot question. Further, as noted above under Current Law, [Defendant Maryland State Board of Elections] and local boards of elections must publicly post the text of any proposed constitutional amendment at least 90 days before the general election. The 2026 special session is scheduled to end on August 5, 2026, exactly 90 days before the general election, which is scheduled for November 3, 2026.").

65. In the House of Delegates, the sponsors of HB 2100 presented the *Non Obstante* Clause as a mere technical amendment. But wiping out the operation of a previously enacted statute that did fully comport with bicameralism and presentment is anything but technical.

66. In the Senate, HB 2100's sponsors presented a different picture. They admitted the full scope of the *Non Obstante* Clause and owned up to the fact that it was designed to specifically paper over missing various statutory deadlines by purporting to wipe out the effect of the state laws imposing those deadlines.

67. Plaintiffs seek a declaration that certification of the proposed amendment as a statewide ballot question, and its planned placement on the November 3, 2026 ballot, violate Md. Code Ann., EL §§ 7-103(c)(1) & 7-105(b)(2), together with preliminary and permanent injunctive

relief prohibiting Defendants from certifying, printing, distributing, tabulating, or canvassing votes on the proposed amendment as a ballot question at the November 3, 2026 general election.

HB 2100'S *NON OBSTANTE* CLAUSE FAILS TO COMPLY WITH BICAMERALISM AND PRESENTMENT REQUIREMENTS AND IS NOT BEING PUT FORWARD AS A CONSTITUTIONAL AMENDMENT

68. The *Non Obstante* Clause seeks to substantively amend all Maryland Election Laws in relation to HB 2100. *See, e.g.*, Md. Code Ann., EL §§ 7-103, 7-105, 9-207.

69. Those provisions are statutes of general applicability that apply to HB 2100. The *Non Obstante* Clause purports to render those statutes inapplicable to HB 2100. Thus, it amends those statutes, albeit invalidly.

70. Statutory law in Maryland can only be made by bicameralism and presentment or direct constitutional amendment. The proposition is binary. HB 2100 is thus, at its core, a constitutional amendment.

71. Moreover, the *Non Obstante* Clause is not being put to the people of Maryland as an amendment to the Maryland Constitution. There is no indication of such. It pointedly is not phrased in amendatory language, nor is the ballot language drafted to provide the people with notice of—let alone opportunity to vote on—a substantive clause overriding all conflicting statutory provisions via the constitutional amendment process.

72. The Maryland Constitution requires clarity in this area. Adopting such a *non obstante* clause via constitutional amendment may well be lawful, but in this instance the failure to follow the clear requisite procedures for such is fatal and the *Non Obstante* Clause passed as part of HB 2100 is thus void *ab initio* as a matter of Maryland constitutional law.

HB2100 FAILS TO COMPLY WITH MARYLAND CONSTITUTION, ARTICLE XIV'S SINGLE SUBJECT REQUIREMENT

73. The Maryland Constitution requires that any proposed constitutional amendment "embrace[] only a single subject." Md. Const. art. XIV § 2.

74. On its face, the purpose of HB 2100 is:

> [C]larifying that certain requirements apply only to districts for the election of members of the Senate of Maryland and the House of Delegates; authorizing the General Assembly to grant original jurisdiction to the Supreme Court of Maryland to review the congressional districting plan of the State; and providing that nothing in the Maryland Constitution provides applicable criteria for the boundaries of a congressional districting plan.

HB 2100.

75. The *Non Obstante* Clause is entirely divorced from and falls outside of this designated subject. It has nothing to do with congressional districting; rather it deals with the suspension of laws regarding balloting.

COUNT I
DECLARATORY AND INJUNCTIVE RELIEF
VIOLATION OF MARYLAND DECLARATION OF RIGHTS

76. Plaintiffs incorporate by reference each of the foregoing paragraphs as though fully set forth herein.

77. Article VII of the Maryland Declaration of Rights affords citizens the right to free and frequent elections.

78. Article I, section VII of the Maryland Constitution requires that the Maryland General Assembly enact laws "necessary for the preservation of the purity of Elections."

79. Article XXIV of the Maryland Declaration of Rights states "[t]hat no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or, in any manner, destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the land."

80. As set forth below in Counts II, III, and IV, HB 2100 and the proposed constitutional amendment question referendum, together violate several statutory provisions designed to protect voters, to ensure they receive sufficient notice of ballot questions, ensure the ballot questions are straightforward and easily understood, safeguard voters against misleading ballot language, which all are designed to ensure adequate due process standards are afforded to all voters.

81. The combination of statutory violations is neither accidental nor insignificant.

82. On August 3, 2026, the House of Delegates adopted a floor amendment to HB 2100 inserting the phrase "Notwithstanding any other provision of law" into the bill.

83. Even though some proponents of the bill described the "Notwithstanding any other provision of law" as a technical correction, the language has significant legal implications. Put frankly, the drafters of this language want the Secretary of State and State Board of Elections to ignore ***all*** of Maryland Election Laws that govern constitutional amendments for the ballot referendum for HB 2100; that is constitutionally impermissible.

84. As described below and in Counts II, III, & IV, Maryland Election Laws are designed to preserve free and fair elections for voters and protect voters' due process rights, which does not thereby allow the rules governing election officials to be selectively applied only when convenient or waived when politically expedient.

85. "When the General Assembly submits an amendment to voters for approval, Due Process requires that adequate notice of the referendum be provided to the electorate prior to the election." *Stop Slots MD 2008 v. State Bd. of Elections*, 424 Md. 163, 192 (2012).

86. Plaintiffs contend that the combination of statutory violations cannot be cured merely by the absolute waiver of ***all*** Maryland Election Laws singularly related to HB 2100.

Plaintiffs are injured, along with all voters in the general electorate, when they are deprived of due process. The statutory timing requirements we stress are intended to ensure voters receive sufficient notice of ballot questions, ensure the ballot questions are straightforward and easily understood, as well as protect against misleading ballot language.

87. In addressing this assertion, we look to the notice prescribed by the statutory scheme and the well-settled principles of due process of law, which underlie any notice inquiry. *See Ulman v. Baltimore*, 72 Md. 587, 593 (1890) ("Due process of law is not confined to judicial proceedings, but extends to every case which may deprive a citizen of life, liberty, or property, whether the proceeding be judicial, administrative or executive in nature."). *Stop Slots MD 2008*, 424 Md. at 192.

88. Plaintiffs and other Maryland voters will suffer irreparable harm, and have no adequate remedy at law, for the same reasons set forth in Counts II, III & IV.

89. Plaintiffs have no adequate remedy at law other than the declaratory and injunctive relief requested herein.

COUNT II
DECLARATORY AND INJUNCTIVE RELIEF
VIOLATION OF ELECTION LAW § 7-103(c)(1)

90. Plaintiffs incorporate by reference each of the foregoing paragraphs as though fully set forth herein.

91. Md. Code Ann., EL § 7-103(c)(1) required the Secretary of State to certify the text for the statewide ballot question to the State Board of Elections no later than July 1, 2026.

92. Because the General Assembly did not pass, and Defendant Governor Moore did not approve, the proposed amendment until August 5, 2026, no valid certification of the proposed

constitutional amendment as a statewide ballot question could have occurred and did not occur, by the July 1, 2026 statutory deadline.

93. Md. Code Ann., EL § 7-103 contains no exception, grace period, or alternative certification procedure applicable to a late statewide ballot question of this kind.

94. Placing, or continuing to place, the proposed constitutional amendment on the November 3, 2026 general election ballot without a certification that complies with § 7-103(c)(1) is an act inconsistent with that provision applicable to the elections process, within the meaning of Md. Code Ann., EL § 12-202(a)(1), and, if uncorrected, will change the outcome of the vote on the proposed constitutional amendment by presenting Maryland voters with a ballot question that was never lawfully certified within the meaning of Md. Code Ann., EL § 12-202(a)(2).

95. Plaintiffs and other Maryland voters will suffer irreparable harm if the proposed constitutional amendment remains on, or is placed on, the November 3, 2026 ballot in violation of § 7-103(c)(1), because that harm—a vote taken on an unlawfully certified proposed constitutional amendment—cannot adequately be remedied after the election.

96. Plaintiffs have no adequate remedy at law other than the declaratory and injunctive relief requested herein.

COUNT III
DECLARATORY AND INJUNCTIVE RELIEF
VIOLATION OF MD. CODE, ELECTION LAW § 7-105(b)

97. Plaintiffs incorporate by reference each of the foregoing paragraphs as though fully set forth herein.

98. Md. Code Ann., EL § 7-105(b) requires notice of any statewide ballot question be submitted to the State Board of Elections by the "first Monday in August."

99. Because the General Assembly did not pass the proposed constitutional amendment until August 4, 2026, the statewide ballot question was not properly submitted to the State Board of Elections by the first Monday in August.

100. Placing, or continuing to place, the proposed constitutional amendment on the November 3, 2026 general election ballot without the proper statutory notice required by § 7-105(b) is an act inconsistent with that provision applicable to the elections process, within the meaning of Md. Code Ann., EL § 12-202(a)(1), and, if uncorrected, will influence the outcome of the vote on the proposed constitutional amendment by presenting Maryland voters with a ballot question that was never lawfully submitted to the State Board of Elections, within the meaning of Md. Code Ann., EL § 12-202(a)(2).

101. This error was conceded by proponents of the constitutional amendment during the Senate floor debate. State Senator Cheryl Kagan, District 17, confessed that "[t]here is no time to comply with the plain language of the law with our new law because July 1st is in the rearview mirror. There's no time to have the Secretary of State draft language, to have it published, to have a comment period, to have it modified, it's just not an option." MGA – Session – Senate (@mga-session-senate445), *Senate Floor Session, 8/4/2026 #2*, YOUTUBE, at 1:58:00–2:05:00 (Aug. 4, 2026), https://www.youtube.com/watch?v=VSLfY1Br4bU.

102. Nevertheless, the Maryland Supreme Court has addressed this question previously, "in determining the sufficiency of a ballot question summarizing a proposed amendment, we must inquire not only whether the question itself sufficiently apprised voters of the proposed amendment's purpose, but, also, 'whether or not its publication, by advertisements, prior to the election, permitted, in a meaningful manner, an intelligent decision, by an average voter, when he

exercised his choice, in voting either 'FOR' or 'AGAINST' the proposed amendment." *Stop Slots MD 2008*, 424 Md. at 193.

103. Because the General Assembly did not pass, and Defendant Governor Moore did not approve, the proposed constitutional amendment until August 5, 2026, the statewide ballot question was not properly submitted to the State Board of Elections by the first Monday in August.

104. This error is not harmless because the deadlines are integral to voter's Due Process Clause rights. Additionally, missing the deadlines places the General Assembly's and Defendants' actions here in significant tension or violation of federal law, such as the Uniformed and Overseas Citizens Absentee Voting Act. *See* 52 U.S.C. § 203 (commonly known as "UOCAVA").

105. Plaintiffs and other Maryland voters will suffer irreparable harm if the proposed constitutional amendment remains on, or is placed on, the November 3, 2026 ballot in violation of § 7-105(b), because that harm—a vote taken on an unlawfully submitted proposed constitutional amendment—cannot adequately be remedied after the election.

106. Plaintiffs have no adequate remedy at law other than the declaratory and injunctive relief requested herein.

COUNT IV
DECLARATORY AND INJUNCTIVE RELIEF
VIOLATION OF MD. CODE, ELECTION LAW § 7-103(b)(6)

107. Plaintiffs incorporate by reference each of the foregoing paragraphs as though fully set forth herein.

108. Md. Code Ann., EL § 7-103(b)(6) requires "[e]ach question shall appear on the ballot containing the following information" to include a "brief statement explaining what the practical outcome of each voting choice would be."

109. The constitutional amendment ballot question initiated under HB 2100 will not contain a brief statement explaining the practical outcome of this vote because the meaning and impact of the *Non Obstante* Clause will remain totally opaque to the average voter. The average voter is not a lawyer expert in statutory construction.

110. The practical effect of excluding the "brief statement explaining what the practical outcome" of the vote as required by § 7-103(b)(6) can reasonably result in misleading voters.

111. However, the requirement under § 7-103(b)(6) has been met for the other constitutional amendment referendum questions appearing on Maryland's general election ballot.

112. The selective application of Maryland Election Laws to the constitutional amendments proposed for referendum on the general election ballot may have the effect of confusing or misleading voters.

113. The court has addressed this issue previously: "[I]n determining the sufficiency of a ballot question summarizing a proposed amendment, we must inquire not only whether the question itself sufficiently apprised voters of the proposed amendment's purpose, but, also, whether or not its publication, by advertisements, prior to the election, permitted, in a meaningful manner, in a meaningful manner, an intelligent decision, by an average voter, when he exercised his choice, in voting either 'FOR' or 'AGAINST' the proposed amendment." *Stop Slots MD 2008*, 424 Md. at 193 (cleaned up).

114. By refusing to meet the requirements set forth in § 7-103(b), such as a brief statement explaining the practical outcomes of each vote, the proposed scheme is insufficient for voters.

115. Plaintiffs and other Maryland voters will suffer irreparable harm if the proposed constitutional amendment remains on, or is placed on, the November 3, 2026 ballot in violation of

§ 7-103(b)(6), because the practical outcome of the proposed amendment may be misleading to voters and result in disenfranchisement.

116. Plaintiffs have no adequate remedy at law other than the declaratory and injunctive relief requested herein.

COUNT V
DECLARATORY AND INJUNCTIVE RELIEF
VIOLATION OF MARYLAND'S BICAMERALISM AND PRESENTMENT REQUIREMENTS

117. Plaintiffs incorporate by reference each of the foregoing paragraphs as though fully set forth herein.

118. HB 2100 is not or does not purport to be a legislative enactment suspending operation of Maryland Election Laws.

119. The *Non Obstante* Clause of HB 2100 is not valid legislation because it was not passed by the bicameralism and presentment. *See* Md. Const. art. II § 17.

120. Defendant Moore, the Governor, did purport to sign HB 2100. But there is no reference in the relevant portion of Article XIV to a need under the Maryland Constitution for gubernatorial signature. Rather, it is necessary and fully sufficient to meet a purely General Assembly supramajority requirement in both houses for them to concur in putting a constitutional referendum before the people of the State. The Governor's signature on H.B. 2100 is thus constitutionally superfluous. And in any event, what Governor Moore's signature cannot be used to do is to convert HB 2100 into ordinary later-enacted legislation reversing what this same General Assembly enacted into state election law effective June 1, 2026. And it would take ordinary legislation running the gauntlet of bicameralism and presentment to override the preexisting statutory timing provisions in order for this redistricting effort to be properly put before the State's voters as to the November 3, 2026 election.

121. The possible constitutional paths to putting redistricting on the ballot are either:

(1) to pass ordinary legislation meeting bicameralism and presentment and satisfying the requirements of emergency legislation, since the short timeline as to when the General Assembly began to act here would otherwise violate the constitutional effective-date waiting period in Md. Const. art. III, § 31; OR

(2) to make the *Non Obstante* Clause part of the referendum itself placed before voters—a path which would itself likely prove constitutionally dubious for a different reason: voters are not lawyers, do not have comprehensive understanding of existing statutory requirements, and could be hopefully confused by what "notwithstanding" language in a constitutional ballot initiative might mean.

122. The path Defendants selected, however—to try to sanitize, on a rushed basis, their noncompliance with statutory deadlines in §§ 7-103 and 7-105—by having the Governor sign a bill containing the *Non Obstante* Clause, but not tell the voters in November about the *Non Obstante* Clause, thereby gutting §§ 7-103 and 7-105, is plainly constitutionally defective.

123. The *Non Obstante* Clause of HB 2100 is not and does not purport to be a valid proposed constitutional amendment under Article XIV of the Maryland Constitution.

124. Plaintiffs and other Maryland voters will suffer irreparable harm if the *Non Obstante* Clause is deemed operative in violation of the Constitution.

125. Plaintiffs have no adequate remedy at law other than the declaratory and injunctive relief requested herein.

COUNT VI
DECLARATORY AND INJUNCTIVE RELIEF
VIOLATION OF MARYLAND'S SINGLE SUBJECT REQUIREMENT FOR CONSTITUTIONAL AMENDMENTS

126. Plaintiffs incorporate by reference each of the foregoing paragraphs as though fully set forth herein.

127. HB 2100's subject is contained on its face—congressional districting.

128. The *Non Obstante* Clause concerns and entirely different matter—prerequisite ballot procedures applied here to a constitutional referenda.

129. Plaintiffs have no adequate remedy at law other than the declaratory and injunctive relief requested herein.

REQUEST FOR EXPEDITED CONSIDERATION

130. Because this action concerns the composition of the November 3, 2026 general election ballot, Plaintiffs respectfully request that the Court hear and decide this matter as expeditiously as the circumstances require, consistent with Election Law § 12-203(a)(1), and assign this matter to a three-judge panel under § 12-203(a)(2).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

a. Declare that certification of the proposed constitutional amendment as a statewide ballot question, and its placement on the November 3, 2026 general election ballot, violate Md. Code, Election Law § 7-103(c)(1);

b. Declare that the proposed constitutional amendment was not submitted to the State Board of Elections by the first Monday in August pursuant to Md. Code, Election Law § 7-105(b);

c. In the alternative or as necessary to provide complete relief protecting the voters' legal interests in existing statutory law, declare that any legislation purporting to waive or cure the § 7-103(c)(1) certification deadline as applied to the proposed amendment is invalid and has no effect;

d. Issue a preliminary injunction, and thereafter a permanent injunction, prohibiting Defendants and their officers, agents, and employees from certifying, printing, distributing, tabulating, or canvassing votes on the proposed amendment as a ballot question at the November 3, 2026 general election;

e. In the event ballots have already been printed or votes have already been cast on the proposed amendment at the time of any hearing or ruling in this matter, order such further or alternative relief as may be necessary to prevent certification or canvassing of the results of the vote on the proposed amendment, including severance of the proposed amendment question from certification of the remainder of the November 3, 2026 general election;

e. Award Plaintiffs their costs of suit; and

f. Grant such other and further relief as the Court deems just and proper.

Dated: August 6, 2026

Respectfully submitted,

/s/ Samuel Everett Dewey

SAMUEL EVERETT DEWEY
(AIS No. 1003040002)
Chambers of Samuel Everett Dewey, LLC
2200 12th Court North Apt. 609
Arlington, VA 22201
Telephone: (410) 207-8513
Email: samueledewey@sedchambers.com

/s/ Kyle Patrick Brosnan
KYLE BROSNAN
(AIS No. 1412160110)
Telephone: 845-674-5589
Email: Kyle@ItsYourGov.org
THE OVERSIGHT PROJECT
211 North Union Street
Alexandria, VA 22314

/s/ Eric Neal Cornett
ERIC NEAL CORNETT
(D.C. Bar No. 1660201)*
Email: Neal@itsyourgov.org
Telephone: (606) 275-0978
THE OVERSIGHT PROJECT
211 North Union Street
Alexandria, VA 22314

/s/ Marshall Yates
MARSHALL YATES
(Alabama Bar No. 9600B58E)*
Email: Marshall@itsyourgov.org
THE OVERSIGHT PROJECT
211 North Union Street
Alexandria, VA 22314

**Application for pro hac vice admission forthcoming*

Attorneys for Plaintiffs