

IN THE MATTER OF  
2022 LEGISLATIVE  
DISTRICTING OF THE STATE

\* IN THE  
\*  
\* COURT OF APPEALS  
\*  
\* OF MARYLAND  
\*  
\* MISC. NO. 27  
\*  
\* September TERM, 2021

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 14<sup>th</sup> 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

### Recital of facts

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.

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.

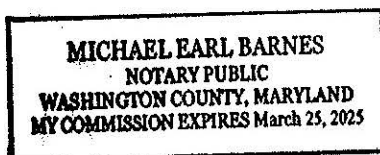


Seth Wilson

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



My commission expires



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10<sup>th</sup> 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](mailto: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](mailto:gopseth@outlook.com).

A handwritten signature in black ink, appearing to read "Seth Wilson", is written over a horizontal line.

Seth Wilson

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