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COUNTIES - MARYLAND

Prince George's County v. Thurston

Court of Appeals of Maryland - July 13, 2022 - A.3d - 2022 WL 2709752

82Petitioners sought a temporary restraining order and preliminary injunction to enjoin the use of Council Resolution, an alternative redistricting plan proposed by county council.

The Circuit Court declared the resolution was ineffective and determined the county redistricting commission's redistricting plan had become law. County petitioned for writ of certiorari, which was granted.

The Court of Appeals held that county council was required to use a bill and pass a law, and could not rely upon a resolution to enact an alternative redistricting plan.

County council was required to use a bill and pass a law, and could not rely upon a resolution to enact an alternative redistricting plan, when it elected not to adopt the plan of the redistricting commission following receipt of federal decennial census data, and council's failure to do so resulted in adoption of the commission's redistricting plan on the last day of November, pursuant to county charter.

Express Powers Act did not allow county council to enact an alternative redistricting plan different from the plan proposed by appointed redistricting commission by resolution, as argued by county, rather than by bill; while local government article provided that "[a] county may create and revise election districts and precincts," county charter, which was ratified by county voters, included redistricting provisions that expressly addressed creating and revising election districts.

State legislative districting process in state constitution did not allow county council to enact an alternative redistricting plan different from the plan proposed by appointed redistrict commission by resolution, as argued by county; statewide legislative districting was governed by the Constitution of Maryland and councilmanic redistricting was governed by the county charter, state and county have separate and distinct redistricting procedures, and the terms "joint resolution" and "resolution," and used by the general assembly and in county charter differed.