

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

O. JOHN BENISEK, *et al.*,

Plaintiffs,

v.

LINDA H. LAMONE, *et al.*,

Defendants.

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Case No. 1:13-cv-03233-JKB

COMMON CAUSE; THE BRENNAN CENTER
FOR JUSTICE AT N.Y.U. SCHOOL OF
LAW; THE CAMPAIGN LEGAL CENTER, INC.,

Amici Supporting Plaintiffs.

JUDGMENT

For the reasons given in the court's memorandum opinions, the court grants the plaintiffs' motion for summary judgment and denies the defendants' cross-motion for summary judgment.

After the conclusion of the 2018 congressional election, the defendants (referred to as the State) are permanently enjoined from conducting any further election for members of the U.S. House of Representatives from Maryland under the 2011 congressional redistricting plan and are directed forthwith to submit to the court a new congressional redistricting plan that redraws the boundaries of the Sixth Congressional District to address the constitutional violations found with respect to that District. The State shall do so applying traditional criteria for redistricting — such as geographic contiguity,

compactness, regard for natural boundaries and boundaries of political subdivisions, and regard for geographic and other communities of interest — and without considering how citizens are registered to vote or have voted in the past or to what political party they belong. In the circumstances of this case, the State might be well advised to establish a neutral commission to develop a conforming plan. Any new congressional redistricting plan must be approved by this court before it is actually employed.

As time is of the essence to have a new plan in place for conducting the 2020 congressional election, this judgment requires the State to submit its new plan for this court's review before March 7, 2019, at 5:00 p.m. Plaintiffs are required to submit any objections to the plan, along with their reasons, within 30 days after the State submits its plan. The court may deny plaintiffs' objections and accept the State's proposed redistricting plan, sustain the objections and modify the proposed plan, or reject the proposed plan entirely for failing to remedy the constitutional violation. If the court does so reject the proposed plan, the court will refer the redistricting process to the Commission detailed herein.

In the event that the State does not submit a plan by the specified deadline or proposes a plan that is rejected, the court will give the redistricting task to a Congressional District Commission appointed by the court to produce and submit an appropriate plan by July 8, 2019, for approval by the court. The Commission shall consist of (1) United States Magistrate Judge J. Mark Coulson, as chair, (2) a person designated by the plaintiffs, and (3) a person designated by the State. The parties shall disclose the identity of their designees, none of whom may be employees of the State or

the federal government, to each other and the court by January 7, 2019.* The Commission shall then retain a professional map-drawer to assist it. The State shall bear the costs of the Commission, including those of the map-drawer, as part of the costs in this action. The activities of the court-established Congressional District Commission will cease, and the Commission will be dissolved, upon approval by this court of a new congressional redistricting plan regardless of whether the approved plan was first submitted by the State or by the Commission.

Should any party fail to identify a designee to the Commission by January 7, 2019, the court will appoint one.

The State shall use the congressional redistricting plan developed in accordance with this judgment for all elections relating to the 2020 election of members of the U.S. House of Representatives from Maryland.


The Clerk shall assess the costs of this action against the State.

Entered this 7th day of November, 2018.

Circuit Judge Paul V. Niemeyer

Chief District Judge James K. Bredar

District Judge George L. Russell III



Paul V. Niemeyer, for the Court

* It is by design that the court seeks to establish the Commission two months before the State's deadline for its proposed redistricting plan. Time is of the essence, and the Commission must be ready to act promptly should the State fail to propose a conforming redistricting plan by March 7, 2019.