

IN THE SUPREME COURT OF MARYLAND

MARYLAND STATE BOARD
OF ELECTIONS, *et al.*,

Appellants,

v.

ANTHONY AMBRIDGE, *et al.*,

Appellees.

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September Term

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No. 26

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REVISED MOTION TO EXCEED WORD LIMIT

COME NOW, Appellees, by and through counsel, Thiru Vignarajah, Esq., pursuant to Md. R. Rev. Ct. App. & Spec. App. 8-431, 8-503, and Md. Gen. Provi. 1-351, files this Revised Motion to Exceed Word Limit to respectfully ask this Honorable Court to issue a nunc pro tunc, ex parte Order permitting Appellees' Brief to exceed the 13,000-word limit and extend to 25,000 words, and in support thereof states as follows:

1. This matter arises from an appeal of a final order from the Circuit Court for Anne Arundel County in *Anthony Ambridge, et al v. Maryland State Board of Elections, et al.*
2. That following the issuance of the order by the Anne Arundel County Circuit Court, Appellants MCB HP Baltimore LLC ("MCB") and the Mayor and City Council of Baltimore ("MCC") both filed successful motions to intervene which established them as Appellants in this appeal.
3. Because of the implications of this matter for the upcoming election, and similar to the expedited briefing schedule before the Circuit Court for Anne Arundel County, this appeal has been on an expedited schedule before the Supreme Court of Maryland.
4. Less than a week ago, Appellees were served with Appellants' three robust briefs, one from each of the now-three Appellants; the prevailing Order does not provide Appellees with any flexibility or allowance in light of the multiple substantial briefs filed by Appellants in this important matter.
5. Although there is naturally some modest overlap between Appellants' briefs, each of the three filings raises a series of substantial and standalone points:

a. Collectively, Appellants' briefs contain a total of 10 Questions Presented:

- i. Did the circuit court err in interpreting ballot "content," under Election Law §§ 9-209(a) and 9-205(2), to include a ballot question's underlying eligibility to qualify for and remain on the ballot, where this Court has already held, in *Ross v. State Board of Elections*, 387 Md. 649 (2005), that ballot "content" does not include a candidate's underlying eligibility to qualify for and remain on the ballot? (Appellant Maryland State Board of Elections)**
- ii. Did the circuit court err in ruling that laches does not bar the registered voters' challenges under Election Law § 12-202 when the voters filed their claim three days after ballot printing had begun, but the ballot question they challenge qualified for the ballot six months earlier and was certified 37 days earlier? (Appellant Maryland State Board of Elections)**
- iii. Does Article XI-A, § 5 of the Maryland Constitution, and Elec. §§ 9-209 and 12-202 prohibit the relief granted by the circuit court? (Appellant MCC)
- iv. Should the Ambridge petition for judicial review in Anne Arundel County have been dismissed? (Appellant MCC)
- v. Does the Maryland Constitution allow the City to legislatively propose a charter amendment that modifies a limitation on the City's power that is already present in the charter? (Appellant MCC)
- vi. Is the language in the City's legislatively proposed charter amendment accurate, non-misleading, and capable of providing the voters of Baltimore an intelligent choice on the matter before them? (Appellant MCC)
- vii. Whether Appellees could challenge the language and legality of Question F through a petition for judicial review brought pursuant to EL § 9-209. (Appellant MCB)
- viii. Whether the circuit court erred in finding that Appellees' EL § 12-202 challenge was not barred by the doctrine of laches. (Appellant MCB)**
- ix. Whether the circuit court erred in finding that Question F is not proper "charter material" and therefore violates Article XI-A, § 3 of the Maryland Constitution. (Appellant MCB)

- x. Whether the circuit court erred in finding that the language of Question F does not satisfy the requirements of EL § 9-205. (Appellant MCB)**
 - b. Of the Questions Presented, only two sets** (four QPs) are substantially similar, leaving Appellees to contend with eight divergent points to address
 - c. Due to the nature of this appeal, the case at bar presents a need to thoroughly address both procedural and substantive law in the face of significantly different issues and standards of review.
 - d. Furthermore, the intervenor Appellants, whose QPs make up the majority (8 out of 10), raise arguments that were never presented before the Circuit Court leaving Appellees to address them now for the first time.
6. Md Rule 8-503(d) provides that “the principal brief of an appellant or appellee shall not exceed... 13,000 words in the Supreme Court.”
 7. Although this Rule applies equally to Appellants and Appellees, such an equal application presents a measure of inequity and limits Appellees’ ability to ensure that this Court fully appreciates the range of issues in the case at bar.
 8. Obtaining a full understanding of the matter in order to effect a just ruling on the merits of the case remains the lodestar of our judicial system. *See Deborah Rollins v. Capital Plaza Associates, L.P.*, 181 Md. App. 188, 202 (Md. Ct. Spec. App. 2008) (citing *Michael Singer Joseph v. Bozzuto Mgmt. Co., et al*, 173 Md.App. 305, 348 (2007)).
 9. As it currently stands, Appellants have submitted three briefs covering 8 unique and substantial issues with a total statutory word count of 34,776 words, whereas Appellees are currently limited to at most a third of these 13,000 words.
 10. A word limit of 24,000 will suffice for Appellees to adequately address the myriad arguments before this Honorable Court.
 11. A word limit of 24,000 is under the combined limit for two of the three full appellate briefs. This requested word count remains far from the total word count of all of Appellants’ briefs, but there is a limit Appellees believe will be sufficient to address all points and, moreover, is respectful of judicial economy.
 12. Should Appellees’ instant Motion to Exceed Word Limit be denied, Appellees are prepared, in accordance to Md Rule 8-503(g), to bear the full expense for the swift reproduction of a brief that is in conformity with the original word limit.
 13. This Motion is ripe and proper for an ex parte ruling in consideration of the facts that this case is already on an expedited track and, pursuant to Md Rule 1-351, Appellees have notified Appellants of their intent to put forth this motion for ex parte ruling on October 4, 2024.

14. In accordance with this Court's Order denying the original form of this motion, Appellees' tentative brief is attached and filed contemporaneously with this motion, which also specifies the requested word count.
15. This motion is also filed contemporaneously with an additional Motion for Leave to File Beyond the Deadline.

Respectfully submitted,

/s/ Thiru Vignarajah

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of October 2024 the foregoing ***Revised Motion to Exceed Word Limit***, was filed via MDEC with the Clerk of the Supreme Court of Maryland, and served via MDEC to the following:

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