

DOUGLAS F. GANSLER
ATTORNEY GENERAL

KATHERINE WINTHROP
Chief Deputy Attorney General

JOHN B. HOWARD, JR.
Deputy Attorney General



DAN FRIEDMAN
Council to the General Assembly

SAMUHA BRINSON BRANTLEY
BONNIE A. KIRKLAND
KATHRYN M. ROWE
Assistant Attorneys General

THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY
Corrected Letter
April 22, 2008

The Honorable Martin J. O'Malley
Governor of Maryland
State House
Annapolis, Maryland 21401-1991

RE: Senate Bill 33 and House Bill 1041

Dear Governor O'Malley:

We have reviewed and hereby approve for constitutionality and legal sufficiency Senate Bill 33 and House Bill 1041, identical bills entitled "Prince George's County - Board of Education." We write to express our view that the bills meet constitutional requirements of population equality.

The maximum deviation of the plan is 5.64%. This is well under the 10% limit established by the Supreme Court in *Brown v. Thompson*, 462 U.S. 835, 842-843 (1983) and *White v. Regester*, 412 U.S. 755 (1973). Where the maximum deviation of a plan is under 10% it will be upheld unless the challenger can show that the deviation results solely from the promotion of an unconstitutional or irrational state policy, *Marylanders for Fair Representation v. Schaefer*, 849 F.Supp. 1022, 1032 (D.Md. 1994), or that the drafters ignored all the legitimate reasons for population disparities and created the deviations solely to benefit certain regions at the expense of others, *In re Legislative Redistricting*, 331 Md. 574, 597 (1993). This plan is not open to this type of objection. The bills create nine compact districts, and do not split any municipality between districts. Both compactness and keeping municipalities in a single district are recognized as legitimate redistricting practices. See Article III, § 4, Maryland Constitution; *In re Legislative Districting*, 299 Md. 658, 681 (1982). Therefore, it is our view that the bills meet one person/one vote requirements.

Very truly yours,

Douglas F. Gansler
Attorney General

DFG/KMR/lck

cc: The Honorable C. Anthony Muse
The Honorable Barbara A. Frush
The Honorable Dennis C. Schnepfe
Joseph Bryce
Karl Aro