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THE ATTORNEY GENERAL OF MARYLAND  
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**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,

A handwritten signature in cursive script that reads "Douglas F. Gansler".

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