

# J. MONTGOMERY GINGERY

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## TESTIMONY BEFORE THE MARYLAND GENERAL ASSEMBLY • 2026 SPECIAL SESSION

July 31, 2026

**The Honorable Melissa R. Wells, Chair**

**The Honorable Kenneth P. Kerr, Vice Chair**

House Government, Labor, and Elections Committee

145 Lowe House Office Building, 6 Bladen Street, Annapolis, Maryland 21401

**The Honorable Brian J. Feldman, Chair**

**The Honorable Cheryl C. Kagan, Vice Chair**

Senate Education, Energy, and the Environment Committee

2 West, Miller Senate Office Building, 11 Bladen Street, Annapolis, Maryland 21401

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### RE: SB 2100 / HB 2100 — Constitutional Amendment, Congressional Redistricting Standards

#### Position: Unfavorable

Joint Hearing — Monday, August 3, 2026, 12:00 p.m., Annapolis

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Dear Chair Wells, Chair Feldman, and Members of the Committees:

I am a Montgomery County resident, and I write in opposition to SB 2100 and its cross-filed companion HB 2100. Let us be plain about what this bill is for. It is not a housekeeping clarification. Its purpose is to clear the legal obstacles to gerrymandering Maryland’s congressional districts — to draw a Republican-held seat out of existence — by deleting from the Maryland Constitution the very standards a court used four years ago to stop exactly that.

#### 1. The bill exists to enable a gerrymander, and its own text says so

SB 2100 rewrites Article III, Section 4 so that the requirements of adjoining territory, compact form, and due regard for natural boundaries and political subdivisions reach only General Assembly districts. It then adds a new Section 62(B) declaring that “[n]othing in this Article or elsewhere in this Constitution, including the Declaration of Rights, provides applicable criteria for the boundaries of a congressional districting plan.” [1] The bill’s own preamble names the 2022 gerrymandering decisions as the thing it means to undo. [1] No one should pretend the object is anything other than a

freer hand to redraw the map, and Maryland's delegation already stands at seven Democrats to one Republican.

## **2. In 2022 a court already called this what it was, and the State lost**

This exact conduct was hauled into court four years ago and named. On March 25, 2022, after a four-day trial, the Circuit Court for Anne Arundel County struck down the General Assembly's congressional map. Judge Lynne Battaglia called it "an extreme gerrymander" that "subordinates constitutional criteria to political considerations," and held it violated the compactness and boundary requirements as well as the Free Elections, Equal Protection, and Free Speech guarantees of the Declaration of Rights. [2][3] The court ordered a new map within five days. The General Assembly complied, the appeals were dropped, and the Governor signed the remedial plan on April 4, 2022. [3] [4] The impartial standard prevailed and the Legislature was left looking as though it had been caught. SB 2100 does not answer that ruling on the merits. It simply deletes the rule that produced it.

## **3. If this passes, Maryland is going straight back to court**

Section 62(A) would further permit the General Assembly to route challenges directly to the Supreme Court of Maryland as a matter of original jurisdiction, stripping away the circuit-court trial record that made the 2022 case decidable on facts. [1] Stripping the criteria and the factfinding in the same amendment does not end litigation — it guarantees it, and this time the State will be defending a map drawn after it wrote its own constitutional standards out of existence. That is not a strong position. It is an invitation.

## **4. Virginia this spring is the cautionary example, not a distinction**

Virginia had a Democratic Governor and a Democratic legislature, and it still lost. On May 8, 2026, the Supreme Court of Virginia ruled 4-3 that the General Assembly had violated the state constitution in how it put its redistricting amendment before voters, and voided the referendum outright — holding that the violation "irreparably undermines the integrity of the resulting referendum vote." [5] [6] A week later the Supreme Court of the United States declined to disturb that ruling. [7] A map projected to move Virginia from 6-5 to 10-1 was erased, and the 2021 districts remain in force. [6] Rushed procedure on a redistricting amendment was the fatal defect there. This Committee is being asked to move a redistricting amendment on five days' notice.

## **5. The ballot question does not disclose what voters are giving up**

The question would tell voters only that the amendment "clarifies that certain standards ... apply only to districts used to elect members of the General Assembly." [8] Nothing in that sentence tells a voter she is repealing compactness, contiguity, and boundary-respect protections for congressional districts, or foreclosing every state constitutional claim against a future map. If the Committees advance the measure, the question must be rewritten to state the repeal plainly.

## **6. The process is inadequate for a permanent constitutional change**

Bill text was posted five days before the session convened. [9] Witness registration and written testimony were open for a single day. Oral testimony is capped at 50 witnesses across both chambers at two minutes each, with the presiding chairs selecting who speaks. [10] A permanent amendment to the Maryland Constitution deserves more process than ordinary legislation receives, not less.

## Request

I respectfully urge an unfavorable report on SB 2100 and HB 2100. If the Committees proceed, I ask at minimum that the ballot question be rewritten to disclose the repeal in plain language, and that Section 62(B)'s blanket exclusion of the Declaration of Rights be struck.

Respectfully submitted,

**J. Montgomery Gingery**

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## SOURCES

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- [1] Bill text, preamble, and Section 62 analysis of SB 2100 — [Maryland Bay News, July 29, 2026](#)
- [2] Judge Battaglia's ruling striking the map as "an extreme gerrymander" — [WYPR, March 25, 2022](#)
- [3] Trial, holdings on Free Elections, Equal Protection, and Free Speech, and remedial order — [Szeliga v. Lamone case summary, The American Redistricting Project](#)
- [4] Procedural history and April 4, 2022 signing of the remedial plan — [Maryland Law Review, November 21, 2022](#)
- [5] Supreme Court of Virginia 4-3 ruling voiding the redistricting amendment — [Jurist, May 8, 2026](#)
- [6] Effect of the ruling and reversion to the 2021 map — [NPR, May 8, 2026](#)
- [7] U.S. Supreme Court declining to restore the map — [Associated Press, May 16, 2026](#)
- [8] Proposed ballot question text and Supreme Court original jurisdiction — [WBAL-TV, July 29, 2026](#)
- [9] Bill filing date and special session scope — [Maryland Matters, July 20, 2026](#)
- [10] Hearing rules, 50-witness cap, and one-day registration window — [Conduit Street, Maryland Association of Counties, July 30, 2026](#)