



Fact Sheet: Lamone v. Benisek

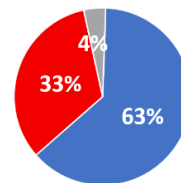
After the 2010 census, Gov. Martin O'Malley and Democrats in the Maryland General Assembly redrew the Sixth Congressional District to increase the number of Democrats in the U.S. House delegation from six to seven of eight. Plaintiffs challenged the map as a partisan gerrymander for violations of voters' First Amendment representational and political association rights.

Marylanders should have the right to choose their representatives. Partisan gerrymandering undermines our democracy.

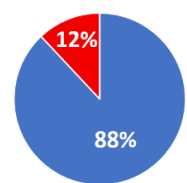
- Before the 2011 redistricting, Maryland's eight-member U.S. House delegation composed of six Democrats and two Republicans.
- Maryland Democrats successfully targeted then-U.S. Rep. Roscoe Bartlett in the Sixth District by turning it from a reliably Republican district to a reliably Democratic one.
- Maryland Democrats intentionally weakened the voices of Sixth District Republicans. The redrawn district fragmented a cohesive community of Republicans, diminishing their voices.

2012 U.S. House Races in MD

Votes Won Statewide



Total Seats Won



On January 4, 2019, the U.S. Supreme Court agreed to hear Lamone v. Benisek.

- In 2013, the original plaintiff, Common Cause member Stephen Shapiro, sued and argued that Maryland had drawn an unconstitutional partisan gerrymander.
- In 2015, the Supreme Court unanimously instructed the lower court to convene a three-judge panel to rule on the merits of the partisan gerrymander claims in *Shapiro v. McManus*, which the Mayer Brown law firm litigated pro bono.
 - The new plaintiffs and attorneys challenged the Sixth District on First Amendment grounds and filed a preliminary injunction motion to prevent the use of the gerrymandered map for the 2018 elections. Plaintiffs appealed to the Supreme Court after a three-judge panel denied the motion.
 - On June 18, 2018, the Supreme Court declined to rule on the merits of *Benisek v. Lamone* and affirmed the three-judge trial court's denial of the plaintiffs' preliminary injunction motion. Common Cause organized four Supreme Court amicus briefs in support of the plaintiffs. The case returned to the trial court for a full hearing.
 - On November 7, 2018, the trial court called gerrymandering "repugnant to representative democracy" in a decision striking down the Sixth District and ordering a new map for the 2020 election. The trial court stayed its own decision pending action by the Supreme Court.
 - On January 4, 2019, the Supreme Court agreed to hear oral arguments in Maryland's appeal of the trial court ruling. Arguments are scheduled for March 2019.

"When that moment [of a meaningful review by the people] does not come – when [politicians] can entrench themselves in office despite the people's will – ...effective democratic governance dissolves."

- Justice Elena Kagan. Gill v. Whitford concurrent opinion, June 18, 2018

THE ISSUE

THE CASE