

COMMITTEE TO CONTROL ,
MONTGOMERY COUNTY SPENDING
12154 Darnestown Road #244
Gaithersburg, MD 20878

* IN THE CIRCUIT COURT

*

Plaintiff,

* OF MARYLAND FOR

v.

* MONTGOMERY COUNTY

MONTGOMERY COUNTY BOARD
OF ELECTIONS
18753 N. Frederick Avenue Suite 210
Gaithersburg, MD 20879

* Case No. C-15-CV-26004929

Defendant.

*

PETITION FOR JUDICIAL REVIEW

Plaintiff Committee to Control Montgomery County Spending, by and through its attorney,
for its Petition for Judicial Review of an order issued by Defendant Montgomery County Board
of Elections (the “Board of Elections”) states the following:

PARTIES

1. Plaintiff Committee to Control Montgomery County Spending (the “Committee”) is the sponsor, within the meaning of Ann. Code Md. Election Law Art. §6-101(j), of a petition to amend the Charter of Montgomery County, Maryland (the “Petition”), submitted pursuant to Article XI-A, § 5 of the Maryland Constitution.

2. Defendant Montgomery County Board of Elections (the “Board of Elections”) is the local board of elections for Montgomery County, Maryland established pursuant to Ann. Code Md. Election Law Art. §2-201.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction over this action pursuant to Ann. Code Md. Election Law Art. §6-209(a). This action is timely filed, within ten days of the date of the Board’s determination or the 69th day before the general election, if earlier, pursuant to Md. Code Ann. Election Law Art. §6-210(e). The 69th day is the earlier day, August 26, 2026.

4. Venue is proper in this County under Md. Code Ann. Courts & Jud. Proc. Art. §6-201 because the Board of Elections is an agency of Montgomery County located in Montgomery County.

FACTUAL ALLEGATIONS

5. Maryland Constitution Art. XI-A, section 5, provides that amendments to a County charter may be proposed by a petition signed by not less than 20% of registered voters of the County, provided that in any case 10,000 signatures are sufficient to complete a petition. In the case of a petition to amend the Montgomery County Charter, the required number of signatures is 10,000.

6. The Committee prepared a petition to amend the Charter of Montgomery County to require the votes of all Councilmembers to approve a County operating budget that exceeded the amount of the prior budget by more than the prior year rate of inflation. The Committee sought and received from the Executive Director of the Board of Elections, pursuant to Ann. Code Md. Election Law Art §6-202, a determination that the form of the Petition was legally sufficient. That determination was issued on May 7, 2025.

7. During 2025 and the first half of 2026, the Committee proceeded to collect signatures on the Petition from registered voters residing in Montgomery County.

8. On July 21, 2026, the Committee submitted 11,408 signatures to the Board. The Board proceeded to verify those signatures, to determine if each signature met the requirements of the Election Law Article and Board of Elections regulations, pursuant to Ann. Code Md. Election Law Art. §6-207.

9. Of the 11,408 signatures initially submitted, the Board determined that 7,999 signatures met all legal requirements and that the remaining 3,409 signatures did not and thus would not be counted.

10. On July 27, 2026, the Committee submitted an additional 2,666 signatures. The Board proceeded to verify those signatures and determined that 1,699 signatures met all legal requirements and that 967 signatures did not and thus would not be counted.

11. On August 17, 2026, based on these verifications, the Board issued a Notice of Determination, pursuant to Election Law Article § 6-208, that a total of 9,698 valid signatures had been submitted, short of the required number of 10,000, and therefore that the “Petition does not meet the requirements to have the question appear on the 2026 General Election Ballot.”

12. In fact, of the total of 4,376 signatures found by the Board to be invalid because the signatures did not meet all legal requirements, at least 325 of those signatures were in fact valid and should have been counted.

13. The detailed requirements for signatures of voters and for the affidavit of the circulator that appears on each petition page, are set forth in State Board of Elections regulations, COMAR Subtitle 6, Chapter 3.

14. Attached to this Petition as Exhibit 1, and incorporated herein by reference, is a chart showing, for each signature improperly found to be invalid, the Batch number assigned by the Board, Petition page number, Petition line number, the reason provided by the Board for the rejection of the signature, and the actual status of that signature based on the Committee's review of the rejected signatures.

15. As shown in Exhibit 1, at least 325 signatures found invalid by the Board are in fact valid and should be counted. The Committee believes that there are additional signatures that should be counted, further increasing the approved signatures over 10,000.

16. When added to the 9,698 signatures already found valid by the Board, the inclusion of these 325 signatures results in submission by the Committee of 10,023 signatures, more than enough to qualify the proposed charter amendment for the November 3, 2026 general election ballot.

COUNT ONE—Judicial Review

17. The Committee submitted more than 10,000 valid signatures on its Petition.

18. Accordingly, the Notice of Determination issued by the Board of Elections is erroneous as matter of law and unsupported by competent, material, and substantial evidence.

19. The Committee's right to have the question of approval of the Charter amendment appear on the November general election ballot would be denied by the Board of Elections Determination. The Committee has been aggrieved by the Board's determination under Election Law § 6-208(a)(2).

WHEREFORE, pursuant to Ann. Code Md. Election Law Art §6-209(a)(2) and the Administrative Procedure Act, Ann. Code Md. State Gov. Art. §10-222(h), the Committee respectfully requests that the Court enter an Order reversing the Notice of Determination

issued by the Board of Elections; ordering that the Board issue a new determination that the Committee submitted a sufficient number of signatures for the question of approval of the proposed Charter amendment to be placed on the November 2026 general election ballot; and granting such other relief as is just and proper.

Respectfully submitted,

/s/ Joseph E. Sandler

Joseph E. Sandler CPF# 1312260029
Sandler Reiff Lamb Rosenstein & Birkenstock PC
1620 I Street NW Suite 900
Washington, D.C. 20006
Tel: (202) 607-0700/ mobile (202) 607-0700
Fax: (202) 479-1115
Email: sandler@sandlerreiff.com

CERTIFICATION PURSUANT TO RULE 1-313

Pursuant to Maryland Rule 1-313, I hereby certify that I have been admitted to practice in the State of Maryland and am currently a member in good standing of the Maryland bar.

/s/ Joseph E. Sandler

Joseph E. Sandler