JOHN DOE, *et al.*	*	IN THE
Plaintiffs,	*	CIRCUIT COURT
v.	*	FOR
MARYLAND STATE BOARD OF ELECTIONS, *et al.*	*	ANNE ARUNDEL COUNTY
	*	CASE NO.: 02-C-09-146733 11-163650
Defendants.		

* * * * * * * * * * * * *

MEMORANDUM OPINION

This matter came before the Court on January 25, 2012 for a hearing on Plaintiffs' Motion for Summary Judgment, Defendants' Cross-Motion for Summary Judgment, and Intervener's Cross-Motion to Dismiss and/or for Summary Judgment. The Court held the matter *sub curia.* Upon consideration of the written and oral arguments, the Court presents its conclusions below.

BACKGROUND

In 2011, the Maryland General Assembly enacted Senate Bill 167, Chapter 191 of the 2011 Laws of Maryland, entitled "An Act Concerning Public Institutions of Higher Education -- Tuition Rates – Exceptions" ("the Maryland Dream Act"). The Maryland Dream Act intends to exempt certain qualified individuals, including but not limited to undocumented immigrants, from paying out-of-state tuition at higher education institutions in Maryland.

After enactment of the Maryland Dream Act, Intervener Mdpetitions.com ("Intervener") collected a sufficient number of signatures[1] in support of a petition to refer the Maryland Dream

[1] The signatures of three percent of the qualified voters of the state, as calculated by the number of votes in the last gubernatorial election, are required to successfully petition an act to referendum. Md. Const. art. XVI, § 3. As stipulated by the parties, 55,735 valid signatures were required to refer a law enacted by the General Assembly to referendum for the 2012 General Election. Intervener submitted 132,061 signatures to the State Board of Elections, of which 108,923 signatures were accepted. As stated, *infra*, the sufficiency of the number of signatures is no longer at issue.

Act to referendum in the 2012 General Election.[2] On July 22, 2011, the Maryland State Board of Elections ("State Board"), pursuant to Article XVI of the Maryland Constitution, certified the petition to refer the Maryland Dream Act to the November 2012 general election ballot.

On August 1, 2011, two anonymous undocumented immigrants, six registered voters, and Casa de Maryland (collectively "Plaintiffs"), filed a Complaint for Declaratory and Injunctive Relief. Plaintiffs then filed an Amended Complaint on September 6, 2011. In the Amended Complaint, Plaintiffs allege, amongst other things, that the Maryland Dream Act is not a law that can be referred to referendum under the Maryland Constitution. Defendants filed an Answer to Amended Complaint on September 21, 2011. Intervener was granted its Motion to Intervene on October 6, 2011 and filed its Answer to Plaintiffs' Amended Complaint on October 11, 2011. On December 5, 2011, the parties voluntarily stipulated to the dismissal, with prejudice, of Counts II and III of the Amended Complaint, the Counts that dispute the sufficiency of the signatures submitted in the petition for referendum. The parties also stipulated to the dismissal of the Declaratory Judgment and Injunction Counts to the extent they pertain to the sufficiency of the number of signatures submitted in the referendum petition.

Plaintiffs filed their Motion for Summary Judgment on December 5, 2011. Defendants filed their Opposition to Plaintiff's Motion and Cross-Motion for Summary Judgment on December 22, 2011. Intervener filed its Cross-Motion to Dismiss and/or for Summary Judgment on that day as well. Plaintiffs' Reply and Response in Opposition to Defendants' and Intervener's Cross-Motions for Summary Judgment was filed on January 6, 2012. Defendants and Intervener filed their respective replies on January 20, 2012.

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[2] Section 1 of Article XVI provides that the referendum power grants the people the right to "petition to have submitted to the registered voters of the State, to approve or reject at the polls, any Act, or part of any Act of the General Assembly, if approved by the Governor, or, if passed by the General Assembly over the veto of the Governor." Md. Const. Art. XVI, § 1.

PRELIMINARY ISSUES

Intervener raises threshold issues regarding the ability of each Plaintiff to seek judicial review in this case. It specifically alleges that the anonymous plaintiffs failed to comply with Maryland Rule 2-201, that the anonymous parties and Casa de Maryland failed to establish that they qualify as an "aggrieved person," and that the registered voter plaintiffs failed to establish the existence of a justiciable controversy. Without these necessary requirements, Intervener contends that the Court may not test the referability of the Maryland Dream Act. Plaintiffs contend that each party meets the standing requirements, and the Court properly has jurisdiction over this matter.

Title 6 of the Election Law Article governs matters related to a State Board determination with respect to a petition for referendum, including judicial review and declaratory and injunctive relief. *See* Md. Code Ann., Elec. Law §§ 6-101 *et seq*. Under § 6-209, two different types of judicial review of a petition are possible. The first option allows a person aggrieved by the State Board's certification of a statewide referendum petition of a General Assemble enactment to seek judicial review. Md. Code Ann., Elec. Law § 6-209(a)(1)(i). In that situation, "[t]he court may grant relief as it considers appropriate to assure the integrity of the electoral process." Md. Code Ann., Elec. Law § 6-209(a)(2). Under the second option, pursuant to the Maryland Uniform Declaratory Judgments Act, any registered voter can seek declaratory relief as to any petition under Title 6 or other provision of law. Md. Code Ann., Elec. Law § 6-209(b).

The Registered Voter Plaintiffs

Intervener contends that Plaintiffs Jesus Alberto Martinez, Abby Hendrix, Katherine Ross-Keller, Kim Samele, Camden Douglas Less, and Catherine Brennan (collectively "the Registered Voter Plaintiffs") fail to plead sufficient facts to establish the existence of a

justiciable controversy. As stated, *supra*, section 6-209(b) of the Election Law Article allows any registered voter, pursuant to the Maryland Uniform Declaratory Judgment Act, the right to seek declaratory relief as to a petition. When seeking relief under the Maryland Uniform Declaratory Judgment Act, Md. Code Ann., Cts. & Jud. Proc. §§ 3-401 *et seq.*, a justiciable issue is a prerequisite to requesting declaratory relief. *Anne Arundel County v. Ebersberger*, 62 Md. App. 360, 367-68 (1985).

Intervener alleges that the Registered Voter Plaintiffs have failed to meet the justiciable issue requirements of section 3-409 of the Maryland Uniform Declaratory Judgment Act. Under section 3-409, a Court may grant a declaratory judgment if it resolves the underlying issue that gave rise to the proceeding and if:

> (1) An actual controversy exists between contending parties;
> (2) Antagonistic claims are present between the parties involved which indicate imminent and inevitable litigation; or
> (3) A party asserts a legal relation, status, right, or privilege and this is challenged or denied by an adversary party, who also has or asserts a concrete interest in it.

Md. Code Ann., Cts. & Jud. Proc. § 3-409. Intervener contends that the Registered Voter Plaintiffs have failed to demonstrate the existence of an actual controversy, antagonistic claims, or any legal relation, status, right or privilege under the statute. It suggests that voting status alone does not establish eligibility for judicial review and that some level of aggrievement is necessary. *See Doe v. Montgomery County Bd. of Elections*, 406 Md. 697, 715-16 (2008).

While Intervener is correct that the Maryland Uniform Declaratory Judgments Act guides section 6-209(b) of the Election Law Article, thus creating a justiciable controversy prerequisite, Intervener's interpretation of the justiciable controversy requirement cuts against the legislative intent of the statute. When determining legislative intent, the primary source is the language of the statute, which is to be "given its natural and ordinary signification." *Boulden v. Mayor &*

Comm'rs, 311 Md. 411, 414 (1988). Here, the statute clearly authorizes "any registered voter" to seek judicial review "as to any petition." Md. Code Ann., Elec. Law § 6-209(b). By using this broad language, in contrast to the stated aggrievement requirement of § 6-209(a), the General Assembly expanded the class of persons authorized to seek judicial review, which Intervener acknowledges is a right of the General Assembly. *See* Intervener's Reply to Pls.' Opp'n to Cross Mot. to Dismiss and/or for Summ. J. at 8.

Additionally, under Intervener's interpretation, any purpose for section 6-209(b) would effectively be eviscerated, as aggrieved voters would use subsection (a) to qualify for any relief, including the declaratory relief available in subsection (b). Given that a statute is to be read so that a provision is not rendered meaningless, the Court is not able to reasonably read section 6-209(b) as creating a higher threshold beyond voter status to seek declaratory action. *See Baltimore Bldg. and Const. Trades Council AFL-CIO v. Barnes*, 290 Md. 9, 15 (1981).

The justiciable controversy for Registered Voter Plaintiffs is simply that they don't agree that the Maryland Dream Act is subject to referendum, so they argue that the decision of the Chief Election Official to certify the referendum petition was in error. As a percentage of registered voters is required to successfully petition for referendum, and the decision of registered voters will be outcome determinative should the Maryland Dream Act be included on the general election ballot, registered voters have an immensely important status, right, or privilege in this process. The legislative intent is clearly to give them a broad grant of declaratory judgment actions. Through their status as registered voters, Registered Voter Plaintiffs are therefore eligible for relief under the Maryland Uniform Declaratory Judgments Act and thus section 6-209(b) of the Election Law Article.

The Court therefore finds that the Registered Voter Plaintiffs have standing to seek

declaratory relief regarding the State Board's certification of the petition to refer the Maryland Dream Act to the November 2012 general election.[3]

John Doe

Intervener alleges numerous deficiencies in Plaintiff Jon Doe's pleadings that divest the Court of jurisdiction to consider his claims. It first argues that the anonymous parties have failed to comply with Maryland Rule 2-201. Under Rule 2-201 "[e]very action shall be prosecuted in the name of the real party in interest." However, the Court of Special Appeals has held that Rule 2-201 provides that "plaintiffs seeking to be shielded from some serious harm or injury may proceed anonymously." *Doe v. Shady Grove Adventist Hosp.*, 89 Md. App. 351, 364-65 (1991). In the Amended Complaint, Plaintiffs John Doe and Jane Doe state that they desire to sue under pseudonyms so that they may avoid "physical and verbal harassment, abuse and ridicule by persons who have demonstrated prejudice and virulent hatred towards immigrants." To support the legitimacy of the anonymous plaintiffs' fears, Plaintiffs' reference a survey detailing the prevalence of "nativist extremist" groups as categorized by the Southern Poverty Law Center.[4]

The Court finds that Plaintiffs have alleged a fear of serious harm or injury should their real identities be publicized. Intervener has not provided any support for the contention that Rule 2-201 requires affidavits or additional evidence to substantiate the anonymous plaintiffs' identities at this time. Given that the Court finds that Plaintiffs have sufficiently alleged the requisite fear under *Doe v. Shady Grove Adventist Hosp.*, there has been no violation of Rule 2-

[3] Intervener additionally alleges that the Registered Voter Plaintiffs have failed to provide affidavits that they are registered voters. As voter registration is a matter of public record, and the Court has verified the voter registration status of the Registered Voter Plaintiffs, the fact that they are Registered Voter Plaintiffs is not subject to dispute.

[4] "Nativist extremist" groups are defined by the Southern Poverty Law Center as organizations that "actually confront or harass suspected undocumented immigrants or their employers." Southern Poverty Law Center, U.S. Hate Groups Top 1000, http://www.splcenter.org/get-informed/news/us-hate-groups-top-1000 (last visited February 14, 2012). Plaintiff alleges that one of these groups actively supported the referendum petition in this case. Plaintiff additionally offered a threatening flyer faxed to CASA de Maryland as an example of threats associated with immigration status.

201.

Intervener next argues that Plaintiff John Doe has failed to establish that he meets the eligibility requirements for in-state tuition under the Maryland Dream Act, so he is not aggrieved as required by the statute.[5] First, Intervener contends that John Doe failed to allege that he attended a secondary school in Maryland for at least three years. *See* Md. Code Ann., Educ. § 15-106.8(b)(1). Intervener also states that Plaintiff John Doe failed to allege that he will provide an affidavit to the community college stating that he will become a permanent resident within thirty days of becoming eligible to do so. *See* Md. Code Ann., Educ. § 15-106.8(b)(5). Finally, Intervener contends that Plaintiff John Doe failed to allege that he will provide to the community college documentation that he has registered with the Selective Service Requirement. *See* Md. Code Ann., Educ. § 15-106.8(b)(6).

Plaintiff John Doe has sufficiently alleged that he is eligible for in-state tuition under the Maryland Dream Act. He states that he has lived in Maryland since he was three years old and graduated from a public high school in Baltimore City in 2011. As he alleges he only lived in Maryland during the time he progressed through high school and graduated from a state high school as valedictorian, the Court can reasonably infer that he attended a secondary school in Maryland for at least three years. With regards to Intervener's other two alleged eligibility errors, these allegations are necessarily conditioned upon the passage of the Maryland Dream Act, since Plaintiff John Doe alleges that attendance at a community college will be difficult or impossible without the Act's implementation. By affirmatively stating he would qualify for in-state tuition under the Maryland Dream Act, the Court can reasonably infer that John Doe will meet these requirements that are otherwise inapplicable to him at this time. Plaintiff John Doe

[5] As stated, *supra*, Plaintiff John Doe is an undocumented immigrant. Since he is not a registered voter, subsection (a) of section 6-209 is his only possible avenue to judicial review, so he must demonstrate aggrievement.

has therefore established that he is eligible for in-state tuition under the Maryland Dream Act.

Even if he can demonstrate he is eligible for in-state tuition, Intervener contends that Plaintiff John Doe has still failed to demonstrate that he is aggrieved within the meaning of section 6-209(a). Intervener contends that Plaintiff John Doe has failed to prove he was aggrieved by a determination made under the three proscribed statutes of the Contents and Process of Petitions Subtitle, sections 6-202, 6-206 and 6-208(a)(2). *See* Md. Code Ann., Elec. Law § 6-209(a)(1). However, the alleged aggrievement, described *infra*, resulted from the decision of the chief election official to certify the referendum petition under section 6-208(b)(1) of the subtitle.[6] In order to do that, the chief election official needed to determine that the petition "satisfied all requirements established by law relating to that petition," which is a specific requirement of the chief election official in section 6-208(a)(2). *See* Md. Code Ann., Elec. Law § 6-208. As the decision of the chief election official in section 6-209(b)(1) necessarily hinges on a section 6-208(a)(2) determination, Plaintiff John Doe is aggrieved by a requisite statute under section 6-209(a)(1).

Intervener next argues that Plaintiff John Doe has failed to prove that he has suffered a unique damage in order to be aggrieved. The Court of Appeals has held that a plaintiff's interests must be individually affected in a way different from the general public in order to be aggrieved. *Doe v. Montgomery County Bd. of Elections*, 406 Md. 697, 716-17 (2008). Intervener's argument here, including that Plaintiff John Doe has failed to allege he currently attends community college or that he has specific plans to do so in the future, in fact demonstrates the extent of John Doe's alleged aggrievement. John Doe's alleged aggrievement is that it will be almost impossible for him to afford community college unless the Maryland

[6] The parties stipulated that the decision of the chief election official to certify a petition automatically suspends the legislation.

Dream Act passes. If it were readily foreseeable how he would otherwise attend community college, he would be diminishing the "special damage" he allegedly suffers. *See id.* By alleging that his only realistic path to community college enrollment is through qualification for in-state tuition under the Maryland Dream Act, Plaintiff John Doe has alleged that he is aggrieved within the meaning of section 6-209(a).

The Court therefore finds that Plaintiff John Doe has standing to seek declaratory and injunctive relief regarding the State Board's certification of the petition to refer the Maryland Dream Act to the November 2012 general election. As the Court has found eligible plaintiffs to seek relief under both types of judicial review authorized by section 6-209, it need not discuss the eligibility of the other plaintiffs and can consider the referability issue on its merits. *See, e.g, Marcus v. Montgomery County Council*, 235 Md. 535 (1964) (stating that if any litigant is aggrieved, the court will consider the merits even if other litigants are not aggrieved).

SUMMARY JUDGMENT STANDARD

Under Maryland Rule 2-501, "[a]ny party may make a motion for summary judgment on all or part of an action on the ground that there is no genuine dispute as to any material fact and that the party is entitled to judgment as a matter of law." In ruling on a motion for summary judgment, any inferences drawn from the facts must be in a light most favorable to the non-moving party. *Debbas v. Nelson*, 389 Md. 364, 373 (2005). If the trier of fact can arrive at more than one conclusion based on a genuine issue of material fact, or any deduced inferences, summary judgment is not appropriate. *Sadler v. Dimensions Healthcare Corp.*, 378 Md. 509, 533-34 (2003). The summary judgment rule is therefore not intended to be a substitute for a trial, but it rather serves as a mechanism by which the Court may determine whether a trial is necessary. *Haas v. Lockheed Martin Corp.*, 396 Md. 469, 478 (2007).

DISCUSSION

The sole issue before the Court is whether the Maryland Dream Act is a law actually making any appropriation for maintaining the State Government and thus not subject to referendum. While voters do have a constitutional right to send legislation to referendum under Article XVI, discussed, *supra*, the Maryland Constitution provides that "no law making any appropriation for maintaining the State Government...shall be subject to rejection or repeal under this Section." (the "Appropriation Exception") Md. Const. Art. XVI, § 2. To determine if a law meets the Appropriate Exception, the Court must first look at whether it is a law making an appropriation within the meaning of Article XVI, and if so, it must then determine whether the appropriation was made for the purpose of maintaining the State Government. *Kelly v. Marylanders for Sports Sanity, Inc.*, 310 Md. 437, 450 (1987).

Turning to whether the Maryland Dream Act is a law making an appropriation, the text of the Maryland Constitution provides that, "Every appropriation bill shall be either a Budget Bill, or a Supplementary Appropriation Bill, as hereinafter provided." Md. Const. Art. III, § 2. However, the Court of Appeals has held that even if a bill does not squarely fit into one of those categories, it could still be "within the class of money bills or spending measures contemplated by the exceptions to the referendum right under Art. XVI." *Kelly*, 310 Md. at 455. As the Maryland Dream Act is neither a Budget Bill nor a Supplementary Appropriation Bill, the Court must determine whether it is does in fact fit into that category of money bills or spending measures discussed and envisioned in *Kelly*.[7]

[7] "Money bill" refers to legislation that raises revenue. *Kelly*, 310 Md. at 458. At the January 25, 2011 hearing, Plaintiffs conceded that the Maryland Dream Act does not raise revenue. As the Maryland Dream Act does not impose any taxes or fees, it clearly would not fit into that category. The Court will therefore focus its analysis on whether the Maryland Dream Act is a spending measure within the meaning of the Appropriation Exception.

In order to be a law making an appropriation within the meaning of the Appropriation Exception, as applied to bills passed by the General Assembly, there must be a legislative act whose "primary object is to authorize the withdrawal from the state treasury of a certain sum of money for a specified public object or purpose to which sum is to be applied." *Kelly*, 310 Md. at 459 (quoting Dorsey). The Court of Appeals has refused to expand the Appropriation Exception to legislation "merely because there may be an incidental provision for an appropriation of public funds." *Dorsey v. Petrott*, 178 Md. 230, 251 (1940).

Plaintiffs argue that the Maryland Dream Act is a "law making any appropriation" within the meaning of the Appropriation Exception. To support their argument, Plaintiffs state that the Maryland Dream Act will increase the number of students qualified for in-state tuition at community colleges, which will increase the number of students qualifying as "full time equivalent students" under the Cade Funding Formula, a formula used to determine the amount of State funding for Maryland community colleges. *See* Md. Code Ann., Education § 16-305.[8] Plaintiffs contend that this will then require the Governor to put specified additional appropriations in future budget bills, as specified by the adjusted Cade Funding. As the Department of Legislative Services' Fiscal Summary of the Maryland Dream Act states that "[t]his bill affects a mandated appropriation," Plaintiffs suggest that it clear that the law makes an appropriation.

Plaintiffs draw the Court's attention to *Kelly v. Marylanders for Sports Sanity, Inc.* In *Kelly*, opponents of a plan to construct a baseball stadium and football stadium in Baltimore City attempted to petition to referendum two bills authorizing that project. *Kelly*, 310 Md. at 446-47.

[8] The "Senator John A. Cade Funding Formula" essentially sets the amount of state funding for community colleges based on the amount of full-time equivalent students at the institutions. *Id.* § 16-305(b)(7). The amount calculated under the Cade Funding Formula is then included in the Governor's Budget Bill each fiscal year. *Id.* § 16-305(c)(1)(i).

The first bill, Chapter 124 of the 1987 Laws, authorized the Maryland Stadium Authority to borrow funds through the issuance of bonds, ordered the disbursement of the funds through the Maryland Stadium Authority's Financing Fund, and ordered the State to pay off the Maryland Stadium Authority's debt through annual appropriations in the Budget Bill. *Id.* at 460-61. The second bill, Chapter 122 of the 1987 laws, authorized the Maryland Stadium Authority to acquire and build a new stadium at Camden Yards. The Court of Appeals found that Chapter 124, with its "ambitious revenue producing and spending measures" designed to raise over 100 million dollars, was an appropriation under Art. XVI and therefore not subject to referendum. *Id.* at 467. While it found that Chapter 122 was not an appropriation as it "neither raised revenue nor appropriated funds," it was not referable because it was part of a "package" of bills that must be considered *in pari materia*. *Id.* at 469-72.

Plaintiffs argue that the Maryland Dream Act is analogous to Chapter 124 of the 1987 laws because both acts direct the government to make a disbursement in the budget. *See id.* at 457; *Winebrenner* 155 Md. 563, 567 (1928). By allegedly mandating specific increases in the appropriations for community colleges through the Cade Funding Formula, Plaintiffs argue that the Maryland Dream Act specifically assigns public monies to a particular purpose. *See id.* at 456. Defendants and Intervener suggest that Chapter 124 is distinguishable for numerous reasons, including the fact that Chapter 124 included extensive references to appropriations or revenue, while the Maryland Dream Act does not reference appropriations or revenue.

As the Maryland Dream Act alone does not make an appropriation, the Court would thus need to consider it *in pari materia* with an already enacted Cade Funding Formula and associated future Budget Bills to determine if it sets aside money. Unlike *Kelly* where the bills were included as a package, the Court can find no authority for the proposition that it must consider

this bill with a funding formula and unwritten, future budget bills, especially when the Maryland Dream Act makes no reference to them. Assuming, *arguendo*, that the Court does in fact need to consider them together, a future appropriation would be dependent on a number of variables, including there being an increase in eligible students, the Cade Formula remaining unaltered by the General Assembly or Governor, and any alteration of the appropriation by the General Assembly before the Budget Bill is passed.

However, these details are ultimately moot because even if the Court accepted Plaintiffs' argument that the Maryland Dream Act's connection to the Cade Funding Formula would eventually lead to money being assigned for a public purpose, the primary object of the Maryland Dream Act is to change the policy for in-state tuition rates, not to make an appropriation. The Maryland Dream Act makes no reference to revenue or appropriations, but solely discusses new eligibility requirements for in-state tuition for a specified class of people. Any future impact on the state's budget that could result from the Maryland Dream Act is merely an incidental result of a law aiming to change policy. As stated, *supra*, incidental effects are not enough to meet the Appropriation Exception. *Dorsey*, 178 Md. at 251. If merely affecting an appropriation became the test for determining if a law actually makes an appropriation, the result would deprive voters of the important constitutional right of referendum.

Having reviewed all of the evidence, the Court finds that the Maryland Dream Act is not a law making any appropriation, but rather an act of general legislation with a primary goal to change eligibility requirements for students to receive in-state tuition.[9] The Maryland Dream Act is therefore subject to referendum on the November 2012 general election ballot.

[9] Having concluded that the Maryland Dream Act is not a law making any appropriation, it need not conclude whether the appropriation was made for the purpose of maintaining the State Government. *Kelly*, 310 Md. at 450.

CONCLUSION

For the reasons set forth in this memorandum opinion, the Court shall enter the attached order hereto.

2/17/2012

RONALD A. SILKWORTH, Judge
Circuit Court for Anne Arundel County

JOHN DOE, *et al.*	*	IN THE
Plaintiffs,	*	CIRCUIT COURT
v.	*	FOR
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	*	CASE NO.: 02-C-11-163050 ~~09-146733~~
Defendants.		

* * * * * * * * * * * * *

ORDER

This matter came before the Court on January 25, 2012 for a hearing on Plaintiffs' Motion for Summary Judgment, Defendants' Cross-Motion for Summary Judgment, and Intervener's Cross-Motion to Dismiss and/or for Summary Judgment. Upon consideration of the arguments, it is this 17th day of February 2012, by the Circuit Court for Anne Arundel County, hereby

ORDERED, that Plaintiff's Motion for Summary Judgment is **DENIED**, Defendants' Cross-Motion for Summary Judgment is **GRANTED,** and Intervener's Cross Motion to Dismiss and/or for Summary Judgment is **GRANTED IN PART,** as it pertains to the Referability of Senate Bill 167, Chapter 191 of the 2011 Laws of Maryland, entitled "An Act Concerning Public Institutions of Higher Education -- Tuition Rates – Exceptions" and **DENIED IN PART,** as it pertains to the standing allegations; and it is further,

ORDERED, that Senate Bill 167, Chapter 191 of the 2011 Laws of Maryland, entitled "An Act Concerning Public Institutions of Higher Education -- Tuition Rates – Exceptions" is subject to Referendum and shall be placed on the November 2012 General Election Ballot; and it is further,

ORDERED, that any and all other requests for relief are hereby **DENIED**.

RONALD A. SILKWORTH, Judge
Circuit Court for Anne Arundel County