

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

WICOMICO COUNTY BRANCH
OF THE NAACP, et al.,

Plaintiffs,

v.

WICOMICO COUNTY, MARYLAND,
et al.,

Defendants.

Civil Action No. 1:23-cv-03325-MJM

FINAL CONSENT JUDGMENT AND DECREE

WHEREAS, Section 2 of the Voting Rights Act of 1965 prohibits any “standard, practice, or procedure” that “results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color.” 52 U.S.C. § 10301(a);

WHEREAS, no Black person has been elected to an at-large position on the Wicomico County Council or Board of Education for as long as either entity has employed its current five single member district/two at-large election system (the “5/2 system”), which, in the case of the Board of Education, has been limited to the elections conducted since implementation of the Board’s elective system in 2016;

WHEREAS, the Black population in Wicomico County accounts for approximately 30% of the County’s population, its Black, Indigenous and People of Color (“BIPOC”) Population 42% and its BIPOC public school student population over 62%;

WHEREAS, the Plaintiffs allege that they suffered harms resulting from the exclusion caused by Wicomico County’s discriminatory election system;

WHEREAS, on or about December 7, 2023, Plaintiffs filed a Complaint in the United States District Court for the District of Maryland, as amended on January 30, 2024, alleging that the existing 5/2 system for the Wicomico County Council and Board of Education is racially discriminatory in violation of the Voting Rights Act of 1965;

WHEREAS, on July 12, 2024, Plaintiffs filed a Motion for Preliminary Injunction requesting that the Court declare the 5/2 system to be unlawful and require the Defendants to abolish that system and to implement a racially fair plan both for the County Council and Board of Education in time for the 2026 elections;

WHEREAS, all parties to this action, expressing interest in resolving this matter, have engaged in formal mediation before United States Magistrate Judge Erin Aslan, as well as informal negotiations, and have agreed to a resolution of this matter that they believe benefits all residents of Wicomico County;

WHEREAS, the Court, having reviewed the status of this action, and being aided by the recommendations of Judge Aslan, Plaintiffs' counsel, and Defendants' counsel, is of the opinion that the best interests of all the parties and all the citizens of Wicomico County would be served by the parties' agreement and by this Court's approval of the Final Consent Judgment and Decree; accordingly, the Court finds that the said Judgment, entered into voluntarily by the Plaintiffs and the County, should be approved.

IT IS THEREFORE ADJUDGED AND DECREED AS FOLLOWS:

1. This decree, in combination with the Settlement Agreement, extends to all issues against Wicomico County, Maryland relating to both liability and remedy phases of this matter as set forth in the First Amended Complaint and Motion for Preliminary Injunction, and resolves all claims.
2. This Court has jurisdiction over the subject matter of this action and the parties thereto.

3. The Plaintiffs and the County agree, consistent with the Settlement Agreement entered into by the Parties and based upon the submissions and expert analysis provided by Plaintiffs, that the legislated structure for the elections for at-large seats on the County Council and Board of Education violates Section 2 of the Voting Rights Act because (1) the Black residents of Wicomico County comprise of a group that is sufficiently large and geographically compact to constitute a majority in two of the proposed seven single-member districts; (2) Black residents of the community are politically cohesive; and (3) the white majority votes sufficiently as a bloc to enable it to elect candidates different than those who would be chosen by Black voters and that there has historically been an exclusion of Black candidates from at large positions on the County Council, and on the Board of Education since implementation of this elective system for the Board in 2016, despite Black candidates running for office.

4. The Court finds that the existing County legislative process would be an inadequate remedy to address allegations of a Voting Rights Act violation with respect to the County because of the length of time required to enact a Charter Amendment and the possibility of a Petition for Referendum which could subject Plaintiffs' rights to popular referendum and delay implementation of a seven district system for the 2026 election cycle.

5. As a result of the parties' negotiated settlement of this matter, Defendant Wicomico County agrees to eliminate, and is hereby enjoined from continuing, use of the 5/2 election structure for elections for the County Council.

6. The "Election Plan" attached at Exhibit A sets forth the mechanism, plan and schedule by which the County Council will conduct future elections in accordance with the Voting Rights Act.

7. Upon review, the Court finds that the "Election Plan" as submitted is a proper remedy in this action and is adopted and incorporated by reference into this Final Consent Decree and Judgment

as attached. In accordance with the Election Plan, all County Council elections henceforth will proceed through a district-based election system, with seven single-member districts electing the seven Council members. That is, all Council candidates in future elections must reside in the district for which they seek election, and only voters residing in that district shall be eligible to vote for the Council candidates seeking election therein. The district system does not apply to the County Executive election, which remains at large.

8. Pursuant to this judgment, all existing provisions of the Charter and laws governing elections for the County Council that are inconsistent or in conflict herewith shall be and hereby are to be construed and applied in a manner consistent with this Final Judgment.

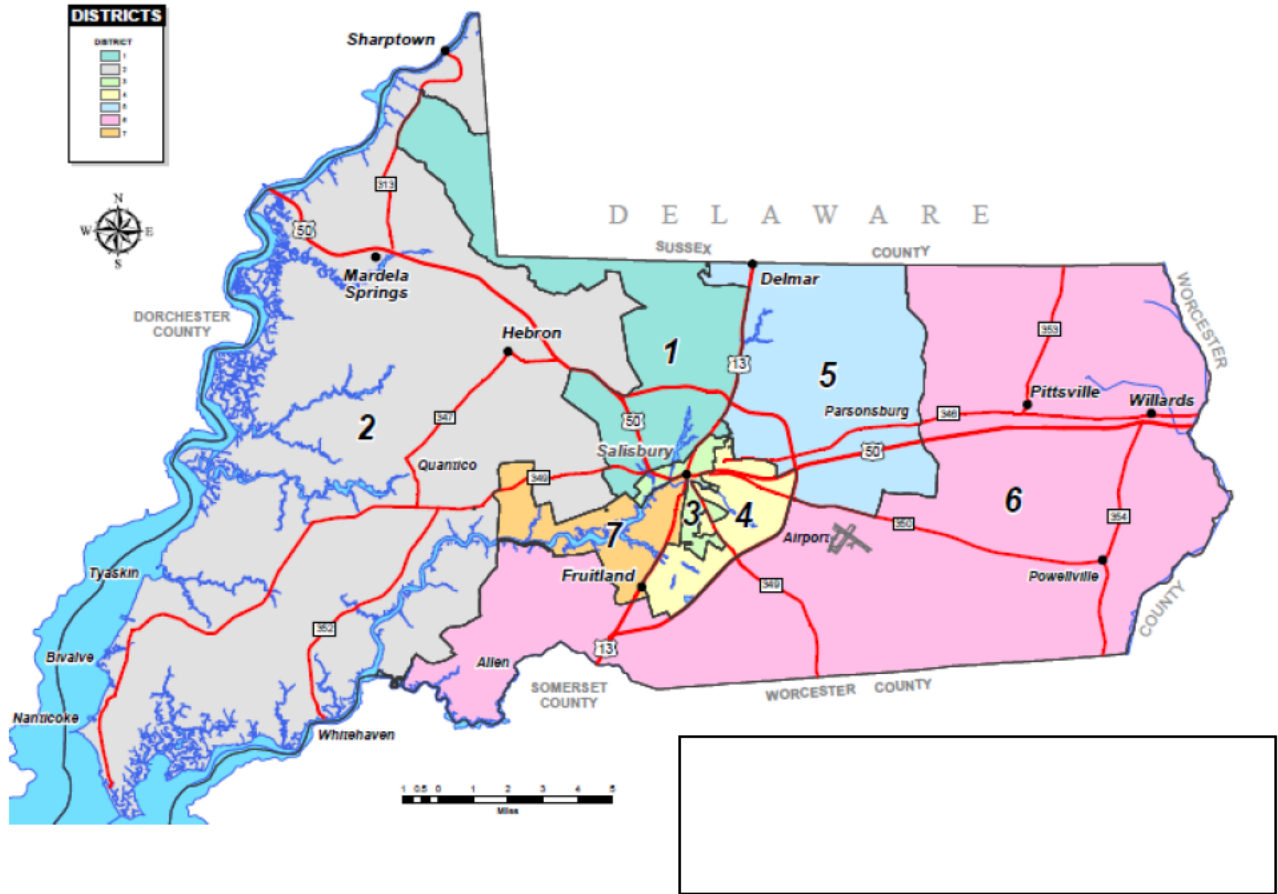
9. This Consent Decree will remain in effect until certification of the 2030 General Election results. Thereafter, Wicomico County can seek modification of the Council district lines after consideration of the 2030 census data.

ORDERED AND ADJUDGED THIS 4th DAY OF March 2025.

/S/

The Honorable Matthew J. Maddox
U.S. District Court Judge

EXHIBIT A – “The Election Plan”¹



¹ An address-searchable online map of the Illustrative Plan is available at: <https://online.caliper.com/mas-874-drp-290-ujr/map/lk47g7f2008tef1deip5>