

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Education, Energy, and the Environment Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 660
Maryland Voting Rights Act of 2024 – Counties and
Municipalities
DATE: February 7, 2024
(2/21)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 660. This bill proposes to add an entire section to the Election Law Article titled the Voting Rights Act – Counties and Municipalities.

First, the bill is problematic because it limits what evidence the court may consider or require in determining whether racially polarized voting by protected class voters in a local election has occurred (p. 8, lines 10–26) and in determining whether a violation of proposed subtitle 2 has occurred (pp. 10–11, lines 19–32, 1–7). Limiting evidence does not afford the parties the opportunity to fully litigate their case. Second, proposed subtitle 4, “Preclearance,” (pp. 18–26) as well as the provisions directing the courts on how to exercise its discretion (p. 5, lines 4–13), poses concerns under the separation-of-powers and equal protection doctrine. Third, the bill would require courts to consider and accord certain evidence mandatory weight or probative value (pp. 7–8, lines 21–33, 1–9). These provisions are difficult to understand and it is unclear how to apply such provisions. Lastly, the bill is overly broad because it authorizes an organization whose membership includes “or is likely to include” aggrieved persons to file an action under proposed subtitle 2 (p. 11, lines 12–13). It is not clear how the Court would assess whether aggrieved persons are “likely” to be included or what factors the Court would use to make such a determination.

cc. Hon. Charles Sydnor
Judicial Council
Legislative Committee
Kelley O’Connor