



Testimony for the EEE Committee

SB 660 - Maryland Voting Rights Act of 2024 - Counties and Municipalities

February 21ST, 2024

GREGORY BROWN
PUBLIC POLICY
COUNSEL

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL
ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND
DIRECTORS
HOMAYRA ZIAD
PRESIDENT

DANA VICKERS
SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

FAVORABLE

The ACLU of Maryland urges a favorable report on SB 660, a historic bill that would bring strong voting protections to Marylanders across the state. HB800 would establish preclearance procedures, strictly for the purposes of redistricting, for jurisdictions with a history of voter discrimination, provide language assistance materials to communities that meet the threshold, prohibit vote denial and dilution, and prohibit voting intimidation, obstruction, and deception by providing a civil cause of action for Marylanders to bring suit when they are faced with these impediments to casting a ballot.

Voter intimidation has been a historic tool to effectively bar Black communities from participating at the polls. While the forms of intimidation have evolved from racist, violent instances of brutality that Black communities faced from the Reconstruction Era to the Civil Rights movement such as lynchings, police beatings, and harassment from white mobs, the need to protect all voters from any form of voter intimidation remains.

Last year, we testified on this bill on the 58th Anniversary of Bloody Sunday, and duly highlighted the intimidation, violence, and hatred the advocates who came before us faced in order to secure the right to vote. Bloody Sunday put racist voter intimidation on display for the world to see, making clear the need for protections against these abuses. The actions of that day ultimately resulted in the passage of the most effective civil rights law in our nation's history, the Voting Rights Act of 1965. Maryland now has the chance to take the framework of that iconic law and implement protections and legal remedies that would secure the right to be free from fear and intimidation while voting. SB 660 does just that by allowing Marylanders to bring suit against those who would seek to intimidate, obstruct, or deceive others who are trying to access the ballot. In addition to providing a civil cause of action against those who would use threats of violence or otherwise intimidating

behavior, SB 660 also prohibits the use of deceptive devices or communications that would otherwise interfere with one's right to vote. Protecting Marylanders from bad actors who would seek to unduly influence our elections via deception and misinformation is critical to guaranteeing free and fair elections in our state.

The need for voter intimidation protections in Maryland

Although some may argue that Maryland does not experience instances of voter intimidation, obstruction, or deception, the need for protections and legal remedies remains due to the fact that there are indeed forms of voter intimidation that go unchecked in the state. In La Plata, Maryland a man was reported on to the Attorney General's office for "trying to intimidate people to vote for Trump."¹ In Montgomery County flyers, used to intimidate minority communities, warning non-U.S. citizens of the legal penalties of voting in a U.S. election were posted at a high school.² In Cecil County, a man was addressed a letter that referenced the Proud Boys and contained the hashtag "#moregunsthanu" despite reporting there was no political signage in his yard.³ These forms of voter intimidation, obstruction, and deception are real and likely happen more often than are reported.

The need for these protections becomes greater when candidates and their operatives themselves engage in intimidation and obstruction. A week before our most previous state wide election, a gubernatorial nominee put out a call for volunteers to "monitor" drop boxes.⁴ While the "monitoring" of drop boxes or polling stations themselves cannot inherently be categorized as intimidation, the history of these monitoring operations reveals the true intent of these endeavors. In 1981 the Republican National Committee (RNC) sent a "ballot security task force" into predominately Black and Latino neighborhoods where they posted "warning" signs and "monitored" polls wearing arm bands and armed with guns.⁵ The resulting lawsuit found the RNC in violation of the law for intimidating voters, despite the task force committing no physical violence.⁶ Targeted "monitoring" operations such as the one a recent gubernatorial candidate called for have the sole goal of intimidation and obstruction, just as these kinds of operations had in 1981. Maryland has a historic opportunity to secure voting rights for all and ensure

¹ <https://apnews.com/article/election-2020-technology-elections-maryland-email-b8f5045edd5c37b47e172011f6bb4263>

² *Id.*

³ *Id.*

⁴ <https://www.marylandmatters.org/2022/11/03/concerns-grow-that-voter-intimidation-could-disrupt-midterm-elections/>

⁵ <https://www.retroreport.org/video/poll-watchers-and-the-long-history-of-voter-intimidation/>

⁶ *Id.*

every Marylander has legal recourse in the face of deception, obstruction, or intimidation when accessing the ballot.

For these reasons we urge a favorable report on SB 660.

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND