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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony Regarding SB 660**  
**Maryland Voting Rights Act of 2024— Counties and Municipalities**  
**February 21, 2024**

Good afternoon Chair Feldman, members of the Education, Energy, and Environment Committee,

In 1985, then Attorney General Stephen H. Sachs completed a 111-page audit of 11 heavily black counties. The audit found racial discrimination and polarization in a number of Maryland’s southern and Eastern Shore counties.<sup>1</sup> Specifically, the audit showed that over a 20-year span, from 1962 to 1982, out of a total of 282 commissioners and county council members that were elected in those counties, only one official was Black. The counties’ voting-age populations were, on average, approximately 21% Black. At the time, the Washington Post reported that the audit showed “[t]here is a ‘special sense of isolation among members of the Black community... a sense that they are governed, but do not participate in governing, and that important public issues are decided for them, not by them.’”<sup>2</sup> Unfortunately, obsolete—Maryland voters continue to face situations such as these.

Just recently, Maryland residents reported multiple instances of voter suppression. Residents in Montgomery County's White Oak neighborhood repeatedly asked election officials for an early voting center in the majority-minority neighborhood. Delegate Brian Crosby asserted that the lack of a second early voting center in his county amounted to “voter suppression”.<sup>3</sup> During the 2021 redistricting process, a Baltimore County Redistricting Commission proposed a redistricting plan that would maintain a White majority in six of seven Council districts by “packing” a supermajority of Black voters (over 70%) into its single majority Black district, a tactic the United States Supreme Court<sup>4</sup> has counseled against. Advocacy organizations, my colleagues, and I attempted to persuade the County Council to amend the map to better reflect the demographics of the county. Instead, the Council amended the map creating an even more precarious council

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<sup>1</sup> Paul Valentine. *Voting Bias Found in Some Md. Counties*. Washington Post. July 19, 1985.

<sup>2</sup> *Id.*

<sup>3</sup> <https://www.marylandmatters.org/2019/10/08/state-board-will-consider-additional-early-voting-site-in-montgomery-but-not-baltimore/>

<sup>4</sup> See generally *Rucho v. Common Cause*, 588 U.S. \_\_\_, 139 S. Ct. 2484 (2019); *Allen v. Milligan*, 599 U.S. 1 (2023).

districts. The Council’s response led me and other Baltimore County citizens to join the ACLU, the League of Women Voters of Baltimore County, the Baltimore County Branch of the NAACP, and Common Cause-Maryland to file a federal lawsuit challenging the racially discriminatory and unlawful redistricting plan approved by the Baltimore County Council in December 2021.

United States District Judge Lydia Kay Griggsby issued an injunction overturning Baltimore County’s racially discriminatory redistricting plan, and required the County to reconfigure its election system in compliance with the Voting Rights Act (“VRA”).<sup>5</sup> The County Council ultimately adopted a plan, accepted by the District Court, which led to a Baltimore County Council comprising of only one non-white member, and no women. A council not reflective of the population of Baltimore County, or Maryland at large. The VRA gives the US Attorney General the ability to sue any government which violates the VRA. However, the harsh reality is, that Attorney General does not have the capacity to get involved in every violation that occurs, violations slip through the cracks—like what happened in Federalsburg.

In 2022 the Town of Federalsburg, located in Caroline County, was sued to end a discriminatory at-large election system that has kept governance exclusively White for two centuries in a community that is now nearly half Black. As of October 1, 2023, the federal lawsuit was still pending.<sup>6</sup> Under judicial supervision, the town amended its election to be a two-district system, in compliance with the VRA.<sup>7</sup> For the first time in its 200-year history, the town, whose population is about 43% Black, elected its first Black leaders.<sup>8</sup>

Furthermore, in December 2023, several civil rights groups filed suit against Wicomico County for violations of the VRA.<sup>9</sup> Although Wicomico County is comprised of around 30% Black people and 40% non-white people in total, six representatives are white, and only one is black.<sup>10</sup> Wicomico County, like Federalsburg, utilizes at-large seats, and the lawsuit is calling for those seats to be eliminated.<sup>11</sup>

SB 660 hopes to address these inequalities. SB 660 proposes the most comprehensive state law protections governing the right to vote in the United States. Specifically, it provides an efficient, cost-effective framework to address barriers that deny voting opportunities in the political process for both voters and local governments in the State.

SB 660 modifies state law in a few ways. It:

- provides definitions and general overarching provisions of the bill.<sup>12</sup>

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<sup>5</sup> *Balt. Cnty Branch of the Nat’l Ass’n for the Advancement of Colored People, et al., v. Balt. Cnt’y, Md.*, 2022 WL 888419 (2022).

<sup>6</sup> After lawsuit, a town elects first Black leaders in its 200-year history, Joe Heim, Erin Cox, The Washington Post, <https://www.washingtonpost.com/dc-md-va/2023/10/01/federalsburg-election-naacp-aclu-maryland/>

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Maryland Civil Rights Groups Allege County Violates Voting Rights Laws, Joe Heim, The Washington Post, <https://www.washingtonpost.com/dc-md-va/2023/12/08/maryland-wicomico-lawsuit-naacp-civil-rights/>

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> See subtitle 1.

- prohibits local governments or entity responsible for election administration from denying or impairing the right to vote of protected class members through any (1) qualification for eligibility to be a voter or other prerequisite to voting; (2) ordinance, regulation, or other law regarding the administration of elections, or any standard, practice, procedure, or policy; or (3) action or inaction.
- requires language-related assistance in local government elections under certain circumstances.<sup>13</sup>
- provides for a preclearance program ensuring that certain “covered jurisdictions submits any proposals to our Attorney General or the Courts prior to enactment so they do not run afoul of the law.”<sup>14</sup>
- prohibits voter intimidation, deception, and obstruction.<sup>15</sup>
- requires the State Board of Elections to conduct a specified needs assessment and establishes the Voting Rights Act Implementation Grant Fund to support activities designed to further voting rights in the State.<sup>16</sup>

To conclude, the people of Maryland deserve more than what the diminished VRA proffers to afford them. Marylanders deserve protection, equality, and control of our elections. We must uplift those who have felt impeded in exercising their constitutional right in casting a vote. SB 660 does just that. For the above reasons, I respectfully request a favorable report for SB 660.

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<sup>13</sup> See subtitle 3.

<sup>14</sup> See subtitle 4.

<sup>15</sup> See subtitle 5.

<sup>16</sup> See subtitle 7.