

CHARLES E. SYDNOR III, ESQ.  
*Legislative District 44*  
Baltimore County

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James Senate Office Building  
11 Bladen Street, Room 216  
Annapolis, Maryland 21401  
410-841-3612  
800-492-7122 Ext. 3612  
Charles.Sydnor@senate.maryland.gov

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony for SB 255**  
**Voting Rights Act of 2026 – Counties and Municipalities**  
**Before the: Education, Energy, and the Environment Committee**  
**January 27, 2026**

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

The bill I'm bringing to you today is a bill we passed last year with 32 votes. We had deep, meaningful conversations in this committee and on the floor about the importance of every single vote. We talked about the ways that, intentionally or not, counties and municipalities might dilute or abridge the votes of race, color, and language minority groups.

As elections approach this year, the Maryland Voting Rights Act becomes increasingly vital. County elections will begin in just a few months; local elections begin as soon as February.<sup>1</sup> Across the state, Marylanders will place their faith into electoral systems to represent them fairly and equitably. Unfortunately, our systems do not always live up to those expectations.

Polarized voting in local elections is not a hypothetical problem in the State of Maryland. In 2022, after a federal court determined that Baltimore County produced a racially discriminatory redistricting map, the County was forced to create a map that complied with the federal Voting Rights Act.<sup>2</sup> In Caroline County, the town of Federalsburg, with a Black population of 43%, elected its first Black City Councilmembers since its founding 200 years ago after a lawsuit and charter amendments in 2023 changed the electoral system.<sup>3</sup> Most recently, Wicomico County settled a lawsuit, which alleged that their partial at-large voting system denied Black voters equal

<sup>1</sup> Friendsville in Garrett County will host elections on February 10; North East in Cecil County on February 9.

<sup>2</sup> See *Baltimore County Branch of the NAACP v. Baltimore County, Md.*, No. 21-cv-03232-LKG, 2022 WL 657562, at \*10 (D. Md. Mar. 25, 2022).

<sup>3</sup> <https://www.aclu-md.org/es/press-releases/landmark-settlement-sweeping-array-restorative-measures-unveiled-historic/>; <https://www.aclu-md.org/publications/federalsburg-election-history-200-years-making/>

opportunity to participate in the political process, by implementing a more equitable map and system.<sup>4</sup>

Last year, my County narrowly avoided another possible lawsuit stemming from the County Council's creation of a new nine-member council map without any meaningful input from the public or from a redistricting commission. The Council eventually passed an acceptable map last September.<sup>5</sup>

Many provisions of this bill have remained the same as the version you passed last year. Section 15.7-106 explicitly provides a private right of action, allowing the State Attorney General, individuals and organizations to bring lawsuits to enforce fair voting. Section 15.7-104 describes the factors that our Courts will be charged with considering when determining whether polarized voting occurred.

Under SB 255, a plaintiff would still have to establish (1) a county or municipal election exhibits polarized voting, and (2) that the particular method of election dilutes or abridges the voting strength of a protected class member's ability to influence the outcome of an election. And just like last year, the plaintiff will not be required to prove that there was discriminatory intent.<sup>6</sup>

There are also some new provisions and clarifications added as a result of the conversations we've had since last year.

First, § 15.7-107 allows the Court to award a prevailing private plaintiff reasonable attorneys' fees, expert witness fees, and costs. Virtually all civil rights laws, including the federal Voting Rights Act,<sup>7</sup> include this sort of fee-shifting provision to empower afflicted communities in securing effective counsel.

Second, in response to federal cases in the 5<sup>th</sup> and 6<sup>th</sup> circuits,<sup>8</sup> § 15.7-101(c) explicitly enables coalitions of multiple protected class members, such as Black voters and Asian-American voters, to bring an action based on their combined dilution or abridgement.

Finally, in addition to the five probative factors from last year, § 15.7-104(b) describes in more detail how courts may determine whether polarized voting has occurred.

For the aforementioned reasons, I am asking the committee to provide a favorable report for SB 255.

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<sup>4</sup> <https://www.aclu-md.org/cases/wicomico-county-naacp-et-al-v-wicomico-county-et-al/>

<sup>5</sup> <https://countycouncil.baltimorecountymd.gov/redistricting/2025-redistricting-commission/>

<sup>6</sup> See proposed section 15.7-104(B)(3)(II).

<sup>7</sup> See 52 U.S.C. § 10310(e).

<sup>8</sup> See *Petteway v. Galveston County*, 111 F.4th 596 (5th Cir. 2024); *Nixon v. Kent County*, 76 F.3d 1381 (6th Cir. 1996).