

Department of Legislative Services
 Maryland General Assembly
 2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 800 (Delegate Smith)
 Ways and Means

Maryland Voting Rights Act of 2024 – Counties and Municipalities

This bill establishes various State law provisions relating to voting rights, including provisions (1) protecting the voting rights and abilities of protected class members in local government elections; (2) prohibiting voter intimidation, deception, or obstruction; (3) requiring language-related assistance in local government elections under specified circumstances; (4) establishing a preclearance requirement; (5) requiring the State Board of Elections (SBE) to conduct a specified needs assessment; and (6) establishing the Voting Rights Act Implementation Grant Fund to support activities designed to further voting rights in the State. **The bill takes effect January 1, 2025.**

Fiscal Summary

State Effect: General fund expenditures increase by at least \$1.1 million in FY 2025, and by lesser ongoing minimum amounts in future years. Special fund revenues and expenditures increase by \$500,000 annually beginning in FY 2025.

(in dollars)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
SF Revenue	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
GF Expenditure	\$1,091,600	\$813,600	\$827,500	\$841,800	\$856,800
SF Expenditure	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000
Net Effect	(\$1,091,600)	(\$813,600)	(\$827,500)	(\$841,800)	(\$856,800)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local government revenues and expenditures increase beginning in FY 2025, as discussed below. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Potential meaningful.

Analysis

Bill Summary:

Protected Class Members

Denying or Impairing the Right to Vote of Protected Class Members

The bill prohibits a local government 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) any action or inaction.

“Protected class” means a class of citizens who are members of a race, color, or language minority group, including a class composed of members of two or more minority groups, as referenced in the federal Voting Rights Act of 1965.

“Local government” means a municipality or county, or a county board of education.

Actions by a local government that constitute a violation include:

- implementation, enforcement, enactment, or use of a qualification for eligibility to be a voter or other prerequisite to voting, or an ordinance, a regulation, or another law regarding the administration of elections, or any standard, practice, procedure, or policy that (1) results, will result, or is intended to result in any disparity that is not *de minimis* and is demonstrated by validated methodologies, or reduction in voter participation, access to voting opportunities, or ability to participate in the political process among protected class members in a jurisdiction or (2) based on the totality of the circumstances, results in any impairment of the opportunity or ability of protected class members to participate in the political process and elect candidates of their choice or otherwise influence the outcome of elections; or
- implementation, enforcement, enactment, or use of a qualification for eligibility to be a voter or other prerequisite to voting, or an ordinance, a regulation, or another law regarding the administration of elections, or any standard, practice, procedure, or policy that has the purpose of, or will have the effect of, impairing the ability of any protected class voter to participate in the electoral process, nominate, or elect the preferred candidates of choice of the protected class voter.

Diluting the Vote of Protected Class Members

The bill prohibits a local government from employing any method of election or causing an annexation, an incorporation, a dissolution, a consolidation, or a division of a local government that has the effect of impairing the equal ability of protected class members to participate in the political process and elect candidates of their choice as a result of diluting the vote of the protected class members.

A local government violates this prohibition when:

- (1) elections in the local government exhibit racially polarized voting or (2) based on the totality of the circumstances, the opportunity or ability of protected class members to nominate or elect candidates of their choice is impaired; and
- one or more new methods of election or modification to the existing method of election exist that the Circuit Court for Anne Arundel County could order (in accordance with authority described below) that would likely mitigate the impairment of the equal opportunity of protected class members to nominate or elect candidates of their choice.

The bill establishes that it is not necessary to show that members of a protected class comprise a majority in any of the proposed districts if a new method of election or modification to the existing method of elections is a new district-based plan that provides members of a protected class with one or more reasonably configured districts in which they would have an equal opportunity or ability to nominate or elect candidates of their choice.

“Method of election” means a method by which candidates are elected to the governing body of a local government. It includes (1) an at-large method of election; (2) a district-based method of election, including the configuration of any districts used to elect candidates to the governing body of a local government; or (3) an alternative method of election.

“Racially polarized voting” means voting in which there is divergence between the candidate or electoral choice preferred by protected class voters and the candidate or electoral choice preferred by other voters.

Parameters for Consideration of Factors and Evidence

The bill establishes specified parameters for the Circuit Court for Anne Arundel County’s consideration of factors and evidence in determining whether a violation has occurred.

Persons Authorized to File an Action

The persons authorized to file an action in the Circuit Court for Anne Arundel County are (1) an aggrieved person; (2) an organization whose membership includes or is likely to include aggrieved persons; (3) an organization whose mission would be frustrated by a violation of the bill's provisions that protect the rights and abilities of protected class members; (4) an organization that would expend resources in order to fulfill its mission as a result of a violation of the bill's provisions; or (5) the Attorney General (and the Office of the Attorney General (OAG)).

Remedies for Violations of the Rights of Protected Class Members

Notwithstanding any other law, if the Circuit Court for Anne Arundel County finds a violation of the bill's provisions that protect the rights and abilities of protected class members, the court must order appropriate specified remedies that are tailored to address the violation in the local government and ensure that protected class voters have equitable access to fully participate in the electoral process. The court must consider remedies proposed by any parties to an action or by interested parties and may not give deference or priority to a proposed remedy because it is the remedy proposed by the local government.

The court has the power to require a local government to implement remedies that are inconsistent with any other provision of State or local law where the inconsistent provision of law would otherwise preclude the court from ordering an appropriate remedy in the matter.

Filing and Other Procedures

The bill establishes procedures for (1) filing an action against a local government, including providing specified advance notice to the local government, except under specified circumstances, and (2) a local government's efforts to implement a remedy, including, in certain cases, submission of a proposed remedy to the Attorney General for approval or rejection. The bill authorizes the Attorney General to adopt specified regulations including regulations to provide for notice and comment procedures that local governments are required to follow before implementing remedies.

Prohibition Against Voter Intimidation, Deception, or Obstruction

Under the bill, a person, whether acting under color of law or otherwise, is prohibited from engaging in acts of intimidation, deception, or obstruction that interfere with an individual's right to vote.

Actions that constitute violations include:

- the use of force or threats to use force, or the use of any other conduct to practice intimidation that causes or will reasonably have the effect of causing interference with an individual's right to vote;
- the knowing use of a deceptive or fraudulent device, contrivance, or communication that causes or will reasonably have the effect of causing interference with any individual's right to vote; or
- the obstruction of, impediment to, or other interference with access to a polling place, a ballot drop box, or an office or a place of business of an election official or a voter in a manner that causes or will reasonably have the effect of causing interference with any individual's right to vote or any delay in voting or the voting process.

The persons authorized to file an action in the Circuit Court for Anne Arundel County alleging a violation of the prohibition are (1) an aggrieved person; (2) an organization whose membership includes or is likely to include aggrieved persons; (3) an organization whose mission would be frustrated by a violation of the prohibition; (4) an organization that would expend resources in order to fulfill its mission as a result of a violation of the prohibition; or (5) the Attorney General.

If the Circuit Court for Anne Arundel County finds a violation, the court must order appropriate remedies that are tailored to address the violation. The remedies ordered may include providing for additional time to vote during an election. A person who violates the prohibition or who aids in the violation of the prohibition is liable for any damages awarded by the court, including nominal damages for any violation and compensatory or punitive damages for any willful violation.

Additional Authority of the Attorney General

In any action or investigation to enforce the bill's provisions, the Attorney General may (1) administer oaths; (2) examine witnesses under oath; (3) receive oral and documentary evidence; (4) determine material facts; and (5) issue subpoenas in accordance with the ordinary rules of civil procedure.

Actions Brought under the Bill

The bill establishes that actions brought under the bill must be subject to expedited pretrial and trial proceedings and receive an automatic calendar preference. If a party seeking preliminary relief alleges a violation of the bill that relates to an upcoming election, the Circuit Court for Anne Arundel County must grant relief if it determines that (1) the party

is more likely than not to succeed on the merits and (2) it is possible to implement an appropriate remedy that would resolve the alleged violation in the upcoming election.

Interpretation of Law and Regulations Protecting the Right to Vote

The bill establishes that statutes, rules and regulations, and local laws, town charters, or ordinances related to the right to vote must be construed liberally in favor of (1) protecting the right to cast a ballot; (2) ensuring that eligible voters are not impaired in registering to vote or voting, including having their votes counted; and (3) ensuring protected class voters equitable access to opportunities to register to vote and to vote.

To the extent that a court is afforded discretion in any question, including questions related to discovery, procedure, admissibility of evidence, and remedies, the court must exercise the discretion in favor of (1) protecting the right to cast a ballot; (2) ensuring that eligible voters are not impaired in registering to vote or voting, including having their votes counted; and (3) ensuring protected class voters equitable access to opportunities to register to vote and to vote.

Language-related Assistance

The bill establishes requirements related to the provision of language-related assistance in local government elections.

Under the bill, SBE must determine whether there is a significant and substantial need for language-related assistance in one or more languages other than English in a local government election. SBE must determine that a significant and substantial need exists if, based on the best available data:

- more than 2%, but in no instance fewer than 100 individuals, of the citizen voting age population of the local government (1) speak a particular language other than English; (2) do not speak English as their primary language; and (3) are limited English proficient; or
- more than 4,000 individuals of the citizen voting age population of the local government (1) speak a particular language other than English; (2) do not speak English as their primary language; and (3) are limited English proficient.

On or before January 1, 2025, and every two years thereafter, SBE must publish and maintain on its website a list of (1) each local government election that requires language-related assistance in a language other than English and (2) the type of language-related assistance that is required to be provided in the local government election. SBE must distribute this list to each local government in time to allow local governments to provide language-related assistance.

Whenever SBE determines that language-related assistance must be provided in a local government election, the entity responsible for administering the election must provide competent assistance and physical and online voting materials in each designated language. Except in the case of a language that is oral or unwritten, for each designated language, the language-related assistance and materials must include (1) registration and voting notices; (2) election-related forms and instructions; (3) signage indicating the availability of telephone interpretation services, where available; and (4) ballots, sample ballots, and other materials or information relating to the electoral process. In the case of a language that is oral or unwritten, the local government may provide only oral instructions, assistance, or other information relating to the electoral process in the applicable language. In a local government where assistance must be provided in more than two languages, ballots are not required to be translated into a language other than English before January 1, 2026. Materials provided in a designated language must be of equal quality to the corresponding English language materials. All translations must convey the intent and essential meaning of the original text or communication and may not solely rely on automatic electronic translation services. In addition, language-related assistance must include the presence of bilingual poll workers where available.

SBE may adopt regulations that establish further criteria for determining whether a significant and substantial need exists for a language to be designated for language-related assistance in a local government election.

The bill authorizes specified persons to file an action in the Circuit Court for Anne Arundel County (similar to the authorizations to file actions above).

“Limited English proficient” means that an individual speaks, reads, or understands English less than “very well” as reported in U.S. Census Bureau data or data of comparable quality collected by a public office.

Preclearance Requirement

The bill requires a covered jurisdiction to receive preclearance from the Attorney General or the Circuit Court for Anne Arundel County prior to the enactment or implementation of a covered policy. A local government that is not a covered jurisdiction may submit a proposed policy to preclearance in the same manner as a covered policy is submitted by a covered jurisdiction. The bill establishes procedures and standards for (1) the Attorney General’s review of a covered policy and determination to deny or grant preclearance and (2) the alternative for a covered jurisdiction to submit a covered policy to the Circuit Court for Anne Arundel County for preclearance instead of the Attorney General. The bill authorizes the Attorney General to adopt regulations to carry out the preclearance provisions.

The Attorney General, or the Circuit Court for Anne Arundel County, may deny preclearance only if it is determined that the covered policy is more likely than not to (1) diminish/impair the opportunity or ability of protected class members who are the basis for the local government's preclearance coverage status to participate in the political process or elect candidates of their choice or (2) violate a provision of the bill.

A determination by the Attorney General or the court to grant or deny preclearance to a covered policy may not be admissible or otherwise considered by a court in any subsequent action challenging the covered policy.

On or before January 1, 2025, and at least annually thereafter, the Attorney General must determine which local governments are covered jurisdictions. A State agency or other appropriate entity must transmit any data or information to the Attorney General on the request of the Attorney General in a usable format. The Attorney General must (1) as soon as practicable, publish and maintain a list of local governments that are covered jurisdictions on the website of the Attorney General; (2) provide notice to each local government that is determined to be a covered jurisdiction on the determination being made; (3) publish and maintain a list of all preclearance submissions; and (4) provide an opportunity for public comment on all preclearance submissions.

The bill also specifies the persons authorized to file an action in the Circuit Court for Anne Arundel County (similar to the authorizations to file actions above) to enjoin the enactment or implementation of a covered policy and seek sanctions if a jurisdiction enacts or implements a covered policy without first obtaining preclearance.

“Covered jurisdiction” means any local government:

- that, within the immediately preceding 25 years, has become subject to a court order or government enforcement action based on a finding of a violation of the bill, the federal Voting Rights Act, the Fifteenth Amendment to the U.S. Constitution, or a voting-related violation of the Fourteenth Amendment to the U.S. Constitution;
- that, within the immediately preceding 25 years, has become subject to a court order or government enforcement action based on a finding of a violation of a federal or State civil rights law or the Fourteenth Amendment to the U.S. Constitution concerning a pattern, practice, or policy that resulted in discrimination against members of a protected class;
- that, within the immediately preceding 25 years, was found to have enacted or implemented a covered policy without obtaining preclearance for that covered policy;
- where the traffic stop rate, or the combined misdemeanor and felony arrest rate of members of any protected class consisting of at least 10,000 citizens of voting age

or whose members comprise at least 10 percentage points of the citizen voting age population of the local government, exceeds the proportion that the protected class constitutes of the citizen voting age population of the local government as a whole by at least 10% at any point within the immediately preceding 10 years.;

- that contains at least 6,000 citizens of any protected class of voting age, or whose members comprise at least 15% of the citizen voting age population of the local government, has had at least 10 percentage points fewer registered voters that are members of any protected class than the percentage of the registered citizens of voting age; or
- where the percentage of the citizens of voting age who are members of any protected class that participated in any general election for local office is at least 10 percentage points lower than the percentage of all citizens that participated in the general election.

“Covered policy” means a new or modified standard, practice, procedure, law, ordinance, regulation, or policy that a covered jurisdiction is required to submit for preclearance. It includes a new or modified local government qualification for registration as a voter, prerequisite to voting, or any of the following ordinances, regulations, standards, practices, procedures, or policies concerning:

- if the covered jurisdiction is a municipality: (1) the method of election for the governing body; (2) districting or redistricting; (3) the number of seats on the governing body; (4) annexation, incorporation, dissolution, consolidation, or division of a municipality; (5) the timing of municipal elections; (6) voter registration lists, including the removal of individuals from a voter registration list and cancellation or denial of voter registration; (7) voter challengers, watchers, or observers; (8) the hours, locations, or number of polling places, early voting centers, or drop box locations; (9) the reorganization of precincts; (10) the distribution of voting equipment and staff, including election judges, to polling places and early voting centers; or (11) any additional subject matter as may be identified by the Attorney General by regulation; and
- if the covered jurisdiction is a county or board of education: (1) the method of election for the governing body of the covered jurisdiction; (2) districting or redistricting; (3) the number of seats on the governing body of the covered jurisdiction; and (4) any additional subject matter as may be identified by the Attorney General in regulation.

“Government enforcement action” means a denial of administrative or judicial preclearance by the federal or State government, pending litigation filed by a federal or State entity, a final judgment or adjudication, a consent decree, or similar formal action.

“Preclearance” means the requirement that a local government submit the proposed enactment or implementation of a covered policy, in writing, to the Attorney General or the Circuit Court for Anne Arundel County for approval or denial.

Needs Assessment and Grants to Local Governments

SBE must conduct an assessment of the needs of a local government regarding compliance with the language assistance and preclearance provisions of the bill, and award grants to local governments, based on the needs assessment, to support (1) language assistance and multilingual materials provided to voters of limited English proficiency and (2) assistance to local governments in submitting covered policies for preclearance.

SBE may award grants to:

- local governments to further the purposes of the bill, including by supporting (1) development and distribution of educational materials regarding voting rights and the voting process; (2) public education campaigns regarding voting rights and the election process; (3) providing training and resources to local election officials, election judges, and volunteers; (4) voter outreach efforts targeted at historically disenfranchised communities; and (5) establishing mechanisms for voters to report incidents of voter intimidation, suppression, or discrimination to voting officials; and
- community-based, civic, and civil rights organizations to support (1) voter education and mobilization; (2) voter registration drives; (3) candidate forums; (4) get-out-the-vote campaigns; and (5) research projects designed to identify best practices for improving voter participation, civic engagement, and ballot access.

SBE must establish and publish procedures for (1) conducting the needs assessment and (2) awarding grants. SBE must adopt regulations to carry out the purposes of the needs assessment and grant provisions, including procedures to monitor the use of awarded grant funds.

The bill establishes the Voting Rights Act Implementation Grant Fund, administered by SBE, to make grants to support activities designed to further voting rights in the State. The fund (1) consists of money appropriated in the State budget to the fund, interest earnings, and any other money from any other source accepted for the benefit of the fund and (2) may be used only to award grants, as described above, and cover administrative expenses related to the fund.

Severability

The bill establishes that if any provision of the bill or its application to any person, local government, or circumstance is held to be invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the bill that can be given effect without the invalid provision or application.

Current Law:

Denial or Abridgement of the Right to Vote – Federal Voting Rights Act

Under [Section 2](#) of the federal Voting Rights Act of 1965, no voting qualification or prerequisite to voting or standard, practice, or procedure may be imposed or applied by any State or political subdivision in a manner 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, or status as a member of a language minority group. A violation of that prohibition is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by the prohibition in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

Prohibitions Against Voter Intimidation, Deception, or Obstruction

Federal law prohibits a person, whether acting under color of law or otherwise, from intimidating, threatening, coercing, or attempting to intimidate, threaten, or coerce a person for the purpose of interfering with the right of the person to vote, or to vote as they choose, or causing the person to vote for, or not to vote for, any candidate, in a federal election. If any person has engaged in, or there are reasonable grounds to believe any person is about to engage in such conduct, the U.S. Attorney General may institute a civil action or other proper proceeding for preventive relief.

State law prohibits a person from willfully and knowingly:

- (1) influencing or attempting to influence a voters' voting decision through the use of force, threat, menace, intimidation, bribery, reward, or offer of reward;
- (2) influencing or attempting to influence a voter's decision whether to go to the polls to cast a vote, or vote by other lawful means, through the use of force, fraud, threat, menace, intimidation, bribery, reward, or offer of reward; or
- (3) engaging in conduct that results or has the intent to result in the denial or abridgement of the right of any citizen of the United States to vote on account of race, color, or disability.

A person who violates these prohibitions is guilty of a misdemeanor and subject to a fine of up to \$5,000 and/or imprisonment for up to five years. A person who violates the prohibitions under (2) and (3) without knowing that the act is illegal is subject to a civil penalty of up to \$5,000.

Chapter 396 of 2015 (Voter's Rights Protection Act of 2015) authorizes the Maryland Attorney General (and, under certain circumstances, the State Prosecutor) to institute an action in circuit court for injunctive relief to prohibit a person from committing an imminent violation or continuing to commit a violation of those State law prohibitions.

Language Accessibility – Federal Voting Rights Act

Under [Section 203](#) of the federal Voting Rights Act of 1965, States and political subdivisions that meet specified thresholds of numbers of citizens of voting age who are members of a specified single language minority and are limited-English proficient must provide any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, in the language of the applicable minority group as well as in the English language. If the language of the applicable minority group is oral or unwritten, or in the case of Alaskan natives and American Indians, if the predominant language is historically unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

In general, a State or political subdivision is subject to Section 203 if the Director of the Census determines, based on specified data, that:

- (1) more than 5% of the citizens of voting age of such State or political subdivision are members of a single language minority and are limited-English proficient; (2) more than 10,000 of the citizens of voting age of such political subdivision are members of a single language minority and are limited-English proficient; or (3) in the case of a political subdivision that contains all or any part of an Indian reservation, more than 5% of the American Indian or Alaska Native citizens of voting age within the Indian reservation are members of a single language minority and are limited-English proficient; and
- the illiteracy rate of the citizens in the language minority group is higher than the national illiteracy rate.

Attorney General

Under the Maryland Constitution, the Attorney General's responsibilities include:

- investigating, commencing, and prosecuting or defending any civil or criminal suit or action or category of such suits or actions in any of the federal courts or in any court of the State, or before administrative agencies and quasi legislative bodies, on the part of the State or in which the State may be interested, which the General Assembly (by law or resolution) or the Governor directs to be investigated, commenced, and prosecuted or defended; and
- giving the Attorney General's opinion in writing whenever required by the General Assembly or either branch thereof, the Governor, the Comptroller, the Treasurer, or any State's Attorney, on any legal matter or subject.

State Fiscal Effect:

General Fund – Expenditures

General fund expenditures increase by at least \$1,091,613 in fiscal 2025, which accounts for early implementation of the bill, beginning July 1, 2024, despite the bill's January 1, 2025, effective date, since SBE and the Attorney General are required to publish information on local government elections that require language-related assistance and on covered jurisdictions for purposes of preclearance, respectively, by January 1, 2025. This estimate reflects costs for:

- SBE to hire one demographics consultant, in fiscal 2025 only, to assist SBE in (1) identifying the best data available and (2) developing protocols and procedures for making a determination of a significant and substantial need for language-related assistance in a local government election;
- SBE to hire one program administrator to (1) manage the demographics consultant's initial investigative process; (2) draft regulations; and (3) manage the ongoing implementation of the bill, including biennial reevaluations of demographic data;
- OAG to hire at least one assistant Attorney General and one statistician to manage OAG's preclearance responsibilities under the bill, including ongoing demographics and statistical work to determine what jurisdictions are covered jurisdictions as well as for certain preclearance determinations;
- OAG to hire a subject matter expert or experts, in fiscal 2025 only, to assist with establishing the preclearance program, including the initial determinations of what jurisdictions are covered jurisdictions and establishing protocols and procedures for ongoing covered jurisdiction and preclearance determinations; and

- an annual appropriation of \$500,000 to the Voting Rights Act Implementation Grant Fund (discussed below).

This estimate is intended to reflect an approximate minimum amount of additional resources needed to implement the bill. OAG advises it needs two assistant Attorneys General (instead of the one assistant Attorney General reflected in this estimate) to handle the office’s preclearance responsibilities; however, it is unclear whether that level of staffing is needed. Depending on the amount of litigation and preclearance work that results from the bill, the Circuit Court for Anne Arundel County (partially paid for by the State) may also need additional resources; however, any potential increased costs for the court have not been quantified. In addition, SBE’s costs may also increase for (1) written translation services for SBE communications to voters in counties in which language designations have been made and (2) any increased printing and mailing costs resulting from language translations causing ballots and other materials to be longer (SBE shares the costs of in-person and mail-in ballots with county boards of elections). However, these costs cannot be reliably estimated at this time.

While the bill does not establish a mandated appropriation to the Voting Rights Act Implementation Grant Fund and does not otherwise indicate an intended level of funding for the grant program it supports, this analysis assumes a general fund appropriation of \$500,000 is made to the fund each fiscal year, enough to support administrative costs of the fund and provide a meaningful amount of grant funding.

The estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	3.0
Salaries and Fringe Benefits	\$319,035
SBE Consultant	50,000
OAG Subject Matter Expert(s)	200,000
Appropriation to Grant Fund	500,000
Other Operating Expenses	<u>22,578</u>
Total FY 2025 General Fund Expenditures	\$1,091,613

Future year expenditures reflect (1) salaries with annual increases and employee turnover; (2) annual increases in ongoing operating expenses; and (3) ongoing appropriations to the Voting Rights Act Implementation Grant Fund.

Special Fund – Voting Rights Act Implementation Grant Fund

Revenues

Special fund revenues increase by \$500,000 annually beginning in fiscal 2025, due to the funds received from the general fund appropriations to the Voting Rights Act Implementation Grant Fund.

Expenditures

Special fund expenditures increase by \$500,000 annually beginning in fiscal 2025, reflecting administrative costs and awarding of grant funding. This estimate assumes that (1) all available funding is spent/awarded each fiscal year and (2) the cost for SBE to hire a program administrator, with a start date of January 1, 2025, to administer the grant program, including conducting needs assessments, is covered by the fund, under the bill’s authorization of the use of the fund to cover related administrative expenses. The estimate includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1.0
Salary and Fringe Benefits	\$47,271
Operating Expenses	6,986
Administrative Costs Subtotal	54,257
Grants	<u>445,743</u>
Total FY 2025 Special Fund Expenditures	\$500,000

Future year expenditures reflect (1) a full salary with annual increases and employee turnover; (2) annual increases in ongoing operating expenses; and (3) grant funding consisting of the remainder of the \$500,000 annual appropriation.

Local Fiscal Effect: Local government expenditures are expected to increase, potentially as early as fiscal 2025, as a result of:

- costs associated with any litigation and enacting and implementing of remedies for violations of the bill’s provisions;
- for jurisdictions whose elections are determined to require language-related assistance, the costs of providing that assistance (*e.g.*, costs of translation services, increased printing and mailing costs for ballots and other materials, and/or costs of bilingual staff);
- for jurisdictions determined to be covered jurisdictions, any costs associated with submitting covered policies for preclearance; and

- any increase in local court administration costs for the Circuit Court for Anne Arundel County associated with litigation and preclearance under the bill.

The extent to which local government expenditures increase cannot be reliably estimated.

Local government revenues also increase annually beginning in fiscal 2025, due to the receipt of grant funding from the Voting Rights Act Implementation Grant Fund. These revenues can cover language assistance and preclearance-related costs and may also be used for other activities designed to further voting rights in the State.

Small Business Effect: Small businesses providing translation services and/or materials for language-related assistance, or providing other services or materials funded by grants from the Voting Rights Act Implementation Grant Fund, may meaningfully benefit from the bill's requirements.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1104 and SB 878 of 2023.

Designated Cross File: SB 660 (Senator Sydnor) - Education, Energy, and the Environment.

Information Source(s): Frederick County; Maryland Municipal League; Office of the Attorney General; Judiciary (Administrative Office of the Courts); State Prosecutor's Office; Maryland State Board of Elections; Department of Legislative Services

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