

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 413 (Senator Sydnor)
Education, Health, and Environmental Affairs

Voting Rights Act of 2022 – Counties and Municipalities

This emergency bill (1) establishes a specified prohibition against the impairment of the ability of members of a protected class to elect candidates of their choice in elections in a county or municipality, or to influence the outcome of such elections; (2) includes factors, considerations, and criteria related to the establishment of a violation of the prohibition; and (3) authorizes the Attorney General to enforce the prohibition. The bill does not apply to statewide elections.

Fiscal Summary

State Effect: Enforcement of the bill is expected to be handled by the Office of the Attorney General with existing resources; however, additional resources may be needed if a significant amount of enforcement activity occurs.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Bill Summary: The bill prohibits the imposition or application of a method for electing the governing body of a county or municipality in a manner that impairs the ability of members of a protected class to elect candidates of the members' choice, or the members' ability to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of a protected class. A violation of the prohibition is established if (1) elections in a county exhibit polarized voting and (2) the method of

election dilutes or abridges the voting strength of members of a protected class to elect a candidate of the members' choice or the members' ability to influence the outcome of an election. Proof of intent on the part of the voters or elected officials to discriminate against members of a protected class is not required to establish a violation of the prohibition.

“Polarized voting” means voting in which there is a difference, as defined in federal case law regarding enforcement of the federal Voting Rights Act of 1965, in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate. “Protected class” means a class of voters who are members of a race, color, or language minority group, as this class is referenced and defined in the federal Voting Rights Act of 1965 and related federal case law.

The bill establishes factors, considerations, and criteria applicable to establishing a violation of the prohibition and whether elections in a county or municipality exhibit polarized voting.

The bill authorizes the Attorney General to bring an action to enforce the prohibition in the county or municipality where the violation allegedly occurred for injunctive relief, damages, or other relief.

Current Law: 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 which 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.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Commission on Civil Rights; Baltimore, Garrett, and Howard counties; City of Salisbury; Maryland Municipal League; Town of Bel Air; Office of the Attorney General; Judiciary (Administrative Office of the Courts); Department of Legislative Services

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