

# HOUSE BILL 1104

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EMERGENCY BILL

3lr2549  
CF SB 878

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By: **Delegate Smith**

Introduced and read first time: February 10, 2023

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Voting Rights Act of 2023 – Counties and Municipalities**

3 FOR the purpose of prohibiting local governments from impairing or diminishing the right  
4 of a protected class member to vote or influence election outcomes; establishing  
5 requirements on local governments regarding proposals for shifting methods of  
6 election and districting plans; requiring the Civil Rights Division of the Office of the  
7 Attorney General to approve or deny proposed local government remedies to address  
8 certain violations; establishing requirements on the State Board of Elections and  
9 local governments related to the provision of language-related assistance in local  
10 government elections; requiring the Civil Rights Division or the Circuit Court for  
11 Anne Arundel County to review and grant preclearance to certain policies before  
12 enactment or implementation; establishing the Statewide Election Database and  
13 Information Office to maintain and administer election-related data; prohibiting  
14 acts of intimidation or obstruction that interfere with the right to vote; and generally  
15 relating to voting rights in counties and municipalities.

16 BY adding to

17 Article – Election Law

18 Section 15.5–101 through 15.5–801 to be under the new title “Title 15.5. Voting  
19 Rights Act – Counties and Municipalities”

20 Annotated Code of Maryland

21 (2022 Replacement Volume and 2022 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

23 That the Laws of Maryland read as follows:

24 **Article – Election Law**

25 **TITLE 15.5. VOTING RIGHTS ACT – COUNTIES AND MUNICIPALITIES.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **SUBTITLE 1. DEFINITIONS AND GENERAL PROVISIONS.**

2   **15.5–101.**

3           **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
4 **INDICATED UNLESS A DIFFERENT MEANING IS CLEARLY INTENDED FROM THE**  
5 **CONTEXT.**

6           **(B) (1) “ALTERNATIVE METHOD OF ELECTION” MEANS A METHOD OF**  
7 **ELECTING CANDIDATES TO THE LEGISLATIVE BODY OF A LOCAL GOVERNMENT**  
8 **OTHER THAN AN AT-LARGE METHOD OF ELECTION OR A DISTRICT-BASED METHOD**  
9 **OF ELECTION.**

10           **(2) “ALTERNATIVE METHOD OF ELECTION” INCLUDES**  
11 **PROPORTIONAL RANKED-CHOICE VOTING, CUMULATIVE VOTING, AND LIMITED**  
12 **VOTING.**

13           **(C) (1) “AT-LARGE METHOD OF ELECTION” MEANS A METHOD OF**  
14 **ELECTING CANDIDATES TO THE LEGISLATIVE BODY OF A LOCAL GOVERNMENT IN**  
15 **WHICH THE CANDIDATES ARE VOTED ON BY ALL VOTERS OF THE LOCAL**  
16 **GOVERNMENT.**

17           **(2) “AT-LARGE METHOD OF ELECTION” DOES NOT INCLUDE ANY**  
18 **ALTERNATIVE METHOD OF ELECTION.**

19           **(D) “CIVIL RIGHTS DIVISION” MEANS THE CIVIL RIGHTS DIVISION OF THE**  
20 **OFFICE OF THE ATTORNEY GENERAL.**

21           **(E) “COURT” MEANS THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY.**

22           **(F) “DISTRICT-BASED METHOD OF ELECTION” MEANS A METHOD OF**  
23 **ELECTING CANDIDATES TO THE LEGISLATIVE BODY OF A LOCAL GOVERNMENT IN**  
24 **WHICH, FOR LOCAL GOVERNMENTS DIVIDED INTO DISTRICTS, A CANDIDATE FOR**  
25 **ANY DISTRICT IS REQUIRED TO RESIDE IN THE DISTRICT AND CANDIDATES**  
26 **REPRESENTING OR SEEKING TO REPRESENT THE DISTRICT ARE VOTED ON BY ONLY**  
27 **THE VOTERS OF THE DISTRICT.**

28           **(G) “FEDERAL VOTING RIGHTS ACT” MEANS THE FEDERAL VOTING**  
29 **RIGHTS ACT OF 1965.**

30           **(H) “LEGISLATIVE BODY” MEANS:**

31           **(1) FOR BALTIMORE CITY, THE CITY COUNCIL OF BALTIMORE CITY;**

1           **(2) FOR A CHARTER COUNTY, THE COUNTY COUNCIL;**

2           **(3) FOR A CODE HOME RULE COUNTY, THE COUNTY COMMISSIONERS;**

3           **(4) FOR A COMMISSION COUNTY, THE COUNTY COMMISSIONERS;**

4           **(5) FOR A MUNICIPALITY, THE REPRESENTATIVE BODY PROVIDED**  
5 **UNDER THE MUNICIPAL CHARTER; AND**

6           **(6) FOR A COUNTY BOARD OF EDUCATION, THE ELECTED VOTING**  
7 **MEMBERS OF THE COUNTY BOARD OF EDUCATION.**

8           **(I) “LOCAL GOVERNMENT” MEANS:**

9                   **(1) A MUNICIPALITY OR COUNTY, AS THOSE TERMS ARE DEFINED IN §**  
10 **1–101 OF THE LOCAL GOVERNMENT ARTICLE; OR**

11                   **(2) A COUNTY BOARD OF EDUCATION, AS DEFINED § 1–101 OF THE**  
12 **EDUCATION ARTICLE.**

13           **(J) “PROTECTED CLASS” MEANS A CLASS OF CITIZENS WHO ARE MEMBERS**  
14 **OF A RACE, COLOR, OR LANGUAGE MINORITY GROUP, AS REFERENCED IN THE**  
15 **FEDERAL VOTING RIGHTS ACT.**

16           **(K) “RACIALLY POLARIZED VOTING” MEANS VOTING IN WHICH THERE IS A**  
17 **DIVERGENCE BETWEEN THE CANDIDATE OR ELECTORAL CHOICE PREFERRED BY**  
18 **PROTECTED CLASS VOTERS AND THE CANDIDATE OR ELECTORAL CHOICE**  
19 **PREFERRED BY OTHER VOTERS.**

20           **(L) “VOTE” OR “VOTING” MEANS AN ACTION NECESSARY TO CAST A BALLOT**  
21 **IN AN ELECTION, INCLUDING:**

22                   **(1) REGISTRATION;**

23                   **(2) APPLYING FOR A BALLOT; AND**

24                   **(3) ANY OTHER ACTION REQUIRED BY LAW AS A PREREQUISITE TO**  
25 **CASTING A BALLOT AND HAVING THE BALLOT COUNTED, CANVASSED, OR CERTIFIED**  
26 **PROPERLY AND INCLUDED IN THE APPROPRIATE TOTALS OF VOTES CAST IN AN**  
27 **ELECTION.**

28 **15.5–102.**

1           **(A) THE PROVISIONS OF THIS TITLE APPLY TO A MUNICIPALITY IN THE**  
2 **STATE IN WHICH THE MUNICIPAL OR CHARTER ELECTIONS ARE REGULATED BY THE**  
3 **PUBLIC LOCAL LAWS OF THE STATE OR THE CHARTER OF THE MUNICIPALITY.**

4           **(B) STATUTES, RULES AND REGULATIONS, AND LOCAL LAWS, TOWN**  
5 **CHARTERS, OR ORDINANCES RELATED TO THE RIGHT TO VOTE SHALL BE**  
6 **CONSTRUED LIBERALLY IN FAVOR OF:**

7                   **(1) PROTECTING THE RIGHT TO CAST A BALLOT;**

8                   **(2) ENSURING THAT ELIGIBLE VOTERS ARE NOT IMPAIRED IN**  
9 **REGISTERING TO VOTE OR VOTING, INCLUDING HAVING THEIR VOTES COUNTED;**  
10 **AND**

11                   **(3) ENSURING PROTECTED CLASS VOTERS EQUITABLE ACCESS TO**  
12 **OPPORTUNITIES TO REGISTER TO VOTE AND TO VOTE.**

13 **15.5–103.**

14           **IF ANY PROVISION OF THIS TITLE OR ITS APPLICATION TO ANY PERSON, LOCAL**  
15 **GOVERNMENT, OR CIRCUMSTANCE IS HELD TO BE INVALID BY A COURT OF**  
16 **COMPETENT JURISDICTION, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS**  
17 **OR APPLICATIONS OF THIS TITLE THAT CAN BE GIVEN EFFECT WITHOUT THE**  
18 **INVALID PROVISION OR APPLICATION, AND TO THIS END, THE PROVISIONS OF THIS**  
19 **TITLE ARE SEVERABLE.**

20                   **SUBTITLE 2. PROTECTED CLASS MEMBERS.**

21 **15.5–201.**

22           **(A) A LOCAL GOVERNMENT MAY NOT DENY, IMPAIR, OR DIMINISH THE**  
23 **RIGHT TO VOTE OF PROTECTED CLASS MEMBERS THROUGH ANY:**

24                   **(1) QUALIFICATION FOR ELIGIBILITY TO BE A VOTER OR OTHER**  
25 **PREREQUISITE TO VOTING; OR**

26                   **(2) ORDINANCE, REGULATION, OR OTHER LAW REGARDING THE**  
27 **ADMINISTRATION OF ELECTIONS, OR ANY STANDARD, PRACTICE, PROCEDURE, OR**  
28 **POLICY.**

29           **(B) THE FOLLOWING ACTIONS BY A LOCAL GOVERNMENT SHALL**  
30 **CONSTITUTE A VIOLATION OF SUBSECTION (A) OF THIS SECTION:**

1           **(1) IMPLEMENTATION OF A QUALIFICATION FOR ELIGIBILITY TO BE A**  
2 **VOTER OR OTHER PREREQUISITE TO VOTING, OR AN ORDINANCE, REGULATION, OR**  
3 **OTHER LAW REGARDING THE ADMINISTRATION OF ELECTIONS, OR ANY STANDARD,**  
4 **PRACTICE, PROCEDURE, OR POLICY THAT:**

5           **(I) RESULTS OR WILL RESULT IN ANY DISPARITY OR**  
6 **REDUCTION IN VOTER PARTICIPATION, ACCESS TO VOTING OPPORTUNITIES, OR**  
7 **ABILITY TO PARTICIPATE IN THE POLITICAL PROCESS AMONG PROTECTED CLASS**  
8 **MEMBERS IN A JURISDICTION; OR**

9           **(II) BASED ON THE TOTALITY OF THE CIRCUMSTANCES,**  
10 **RESULTS IN ANY IMPAIRMENT OF THE OPPORTUNITY OR ABILITY OF PROTECTED**  
11 **CLASS MEMBERS TO PARTICIPATE IN THE POLITICAL PROCESS AND ELECT**  
12 **CANDIDATES OF THEIR CHOICE OR OTHERWISE INFLUENCE THE OUTCOME OF**  
13 **ELECTIONS; OR**

14           **(2) ENACTMENT OF A QUALIFICATION FOR ELIGIBILITY TO BE A**  
15 **VOTER OR OTHER PREREQUISITE TO VOTING, OR AN ORDINANCE, REGULATION, OR**  
16 **OTHER LAW REGARDING THE ADMINISTRATION OF ELECTIONS, OR ANY STANDARD,**  
17 **PRACTICE, PROCEDURE, OR POLICY THAT HAS THE PURPOSE OF, OR WILL HAVE THE**  
18 **EFFECT OF, DIMINISHING THE ABILITY OF ANY PROTECTED CLASS VOTER TO**  
19 **PARTICIPATE IN THE ELECTORAL PROCESS OR ELECT THE PREFERRED CANDIDATES**  
20 **OF CHOICE OF THE PROTECTED CLASS VOTER.**

21 **15.5-202.**

22           **(A) A LOCAL GOVERNMENT MAY NOT EMPLOY ANY METHOD OF ELECTION**  
23 **THAT HAS THE EFFECT, OR IS MOTIVATED IN PART BY THE INTENT, OF IMPAIRING**  
24 **THE ABILITY OF PROTECTED CLASS MEMBERS TO PARTICIPATE IN THE POLITICAL**  
25 **PROCESS AND ELECT CANDIDATES OF THEIR CHOICE OR OTHERWISE INFLUENCE**  
26 **THE OUTCOME OF ELECTIONS, AS A RESULT OF DILUTING OR ABRIDGING THE VOTE**  
27 **OF THE PROTECTED CLASS MEMBERS.**

28           **(B) IMPLEMENTATION OF THE FOLLOWING ELECTION METHODS BY A LOCAL**  
29 **GOVERNMENT SHALL CONSTITUTE A VIOLATION OF SUBSECTION (A) OF THIS**  
30 **SECTION:**

31           **(1) AN AT-LARGE METHOD OF ELECTION WHERE:**

32           **(I) RACIALLY POLARIZED VOTING BY PROTECTED CLASS**  
33 **VOTERS OCCURS; OR**

1           **(II) BASED ON THE TOTALITY OF THE CIRCUMSTANCES, THE**  
2 **OPPORTUNITY OR ABILITY OF PROTECTED CLASS VOTERS TO PARTICIPATE IN THE**  
3 **POLITICAL PROCESS AND ELECT CANDIDATES OF THEIR CHOICE OR OTHERWISE**  
4 **INFLUENCE THE OUTCOME OF ELECTIONS IS IMPAIRED;**

5           **(2) A DISTRICT-BASED METHOD OF ELECTION OR AN ALTERNATIVE**  
6 **METHOD OF ELECTION WHERE THE CANDIDATES OR ELECTORAL CHOICES**  
7 **PREFERRED BY PROTECTED CLASS MEMBERS WOULD USUALLY BE DEFEATED AND**  
8 **WHERE:**

9           **(I) RACIALLY POLARIZED VOTING BY PROTECTED CLASS**  
10 **VOTERS OCCURS; OR**

11           **(II) BASED ON THE TOTALITY OF THE CIRCUMSTANCES, THE**  
12 **ABILITY OF THE VOTERS TO PARTICIPATE IN THE POLITICAL PROCESS AND ELECT**  
13 **CANDIDATES OF THEIR CHOICE OR OTHERWISE INFLUENCE THE OUTCOME OF**  
14 **ELECTIONS IS IMPAIRED; OR**

15           **(3) ANY METHOD OF ELECTION THAT HAS THE PURPOSE OF, OR WILL**  
16 **HAVE THE EFFECT OF, DIMINISHING THE ABILITY OF ANY PROTECTED CLASS VOTER**  
17 **TO PARTICIPATE IN THE ELECTORAL PROCESS OR ELECT THE PREFERRED**  
18 **CANDIDATES OF CHOICE OF THE PROTECTED CLASS VOTER.**

19           **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, TO**  
20 **DETERMINE WHETHER RACIALLY POLARIZED VOTING BY PROTECTED CLASS**  
21 **VOTERS IN A LOCAL GOVERNMENT ELECTION OCCURS OR IF CANDIDATES OR**  
22 **ELECTORAL CHOICES PREFERRED BY PROTECTED CLASS MEMBERS WOULD**  
23 **USUALLY BE DEFEATED, THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY SHALL:**

24           **(I) CONSIDER ELECTIONS HELD BEFORE THE FILING OF AN**  
25 **ACTION AS MORE PROBATIVE THAN ELECTIONS CONDUCTED AFTER THE FILING;**

26           **(II) CONSIDER EVIDENCE CONCERNING ELECTIONS FOR ANY**  
27 **OFFICE IN THE LOCAL GOVERNMENT, INCLUDING EXECUTIVE, LEGISLATIVE,**  
28 **JUDICIAL, AND OTHER OFFICES OF THE LOCAL GOVERNMENT, AS MORE PROBATIVE**  
29 **THAN EVIDENCE CONCERNING ELECTIONS FOR OTHER OFFICES;**

30           **(III) CONSIDER STATISTICAL EVIDENCE AS MORE PROBATIVE**  
31 **THAN NONSTATISTICAL EVIDENCE; AND**

32           **(IV) IN THE CASE OF CLAIMS BROUGHT ON BEHALF OF TWO OR**  
33 **MORE PROTECTED CLASSES THAT ARE POLITICALLY COHESIVE WITHIN THE**  
34 **ELECTION DISTRICT OF THE LOCAL GOVERNMENT, COMBINE VOTERS OF THE**

1 PROTECTED CLASSES TO DETERMINE WHETHER VOTING BY MEMBERS OF THE  
2 COMBINED PROTECTED CLASSES IS POLARIZED FROM OTHER VOTERS AND WITHOUT  
3 REQUIRING EVIDENCE THAT EACH PROTECTED CLASS IS SEPARATELY POLARIZED  
4 FROM OTHER VOTERS.

5 (2) IN DETERMINING WHETHER RACIALLY POLARIZED VOTING BY  
6 PROTECTED CLASS VOTERS IN A LOCAL GOVERNMENT ELECTION OCCURS, THE  
7 CIRCUIT COURT FOR ANNE ARUNDEL COUNTY MAY NOT:

8 (I) REQUIRE EVIDENCE CONCERNING THE INTENT OF VOTERS,  
9 ELECTED OFFICIALS, OR THE LOCAL GOVERNMENT TO DISCRIMINATE AGAINST  
10 PROTECTED CLASS VOTERS;

11 (II) REQUIRE EVIDENCE OF EXPLANATIONS FOR VOTING  
12 PATTERNS AND ELECTION OUTCOMES TO PROVE THE EXISTENCE OF RACIALLY  
13 POLARIZED VOTING, INCLUDING PARTISANSHIP;

14 (III) CONSIDER EVIDENCE THAT SUBGROUPS OF PROTECTED  
15 CLASS ELECTORS HAVE DIFFERENT VOTING PATTERNS;

16 (IV) CONSIDER EVIDENCE CONCERNING WHETHER PROTECTED  
17 CLASS VOTERS ARE GEOGRAPHICALLY COMPACT OR CONCENTRATED, BUT MAY USE  
18 THE EVIDENCE TO APPROPRIATELY REMEDY A VIOLATION UNDER THIS SECTION; OR

19 (V) CONSIDER EVIDENCE CONCERNING PROJECTED CHANGES  
20 IN POPULATION OR DEMOGRAPHICS, BUT MAY USE THE EVIDENCE TO  
21 APPROPRIATELY REMEDY A VIOLATION UNDER THIS SECTION.

22 15.5-203.

23 (A) (1) IN DETERMINING WHETHER, BASED ON THE TOTALITY OF THE  
24 CIRCUMSTANCES, A DENIAL OR IMPAIRMENT OF THE RIGHT TO VOTE FOR ANY  
25 PROTECTED CLASS HAS OCCURRED, OR THE OPPORTUNITY OR ABILITY OF  
26 PROTECTED CLASS MEMBERS TO PARTICIPATE IN THE POLITICAL PROCESS AND  
27 ELECT CANDIDATES OF THEIR CHOICE OR OTHERWISE INFLUENCE THE OUTCOME  
28 OF ELECTIONS IS IMPAIRED, THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY  
29 MAY CONSIDER THE FOLLOWING FACTORS:

30 (I) THE HISTORY OF DISCRIMINATION IN OR AFFECTING THE  
31 STATE OR LOCAL GOVERNMENT;

32 (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE  
33 EXTENT TO WHICH PROTECTED CLASS VOTERS HAVE BEEN ELECTED TO OFFICE IN

1 THE LOCAL GOVERNMENT;

2 (III) THE USE OF ANY QUALIFICATION FOR ELIGIBILITY TO BE A  
3 VOTER OR OTHER PREREQUISITE TO VOTING, OR ANY STATUTE, ORDINANCE,  
4 REGULATION, OR OTHER LAW REGARDING THE ADMINISTRATION OF ELECTIONS, OR  
5 ANY RELATED STANDARD, PRACTICE, PROCEDURE, OR POLICY BY THE LOCAL  
6 GOVERNMENT THAT MAY ENHANCE THE DILUTIVE EFFECTS OF A METHOD OF  
7 ELECTION IN THE LOCAL GOVERNMENT;

8 (IV) THE DENIAL OF ACCESS OF PROTECTED CLASS VOTERS OR  
9 CANDIDATES TO ELECTION ADMINISTRATION OR CAMPAIGN FINANCE PROCESSES  
10 THAT DETERMINE WHICH CANDIDATES WILL RECEIVE ACCESS TO THE BALLOT OR  
11 FINANCIAL OR OTHER SUPPORT IN A GIVEN ELECTION IN THE LOCAL GOVERNMENT;

12 (V) THE EXTENT TO WHICH PROTECTED CLASS INDIVIDUALS IN  
13 THE STATE OR THE LOCAL GOVERNMENT CONTRIBUTE MONEY TO POLITICAL  
14 CAMPAIGNS OR POLITICAL CAUSES AT LOWER RATES THAN OTHER INDIVIDUALS IN  
15 THE STATE OR THE LOCAL GOVERNMENT;

16 (VI) THE EXTENT TO WHICH PROTECTED CLASS VOTERS IN THE  
17 STATE OR THE LOCAL GOVERNMENT VOTE AT LOWER RATES THAN OTHER VOTERS  
18 IN THE STATE OR THE LOCAL GOVERNMENT, AS APPLICABLE;

19 (VII) THE EXTENT TO WHICH PROTECTED CLASS INDIVIDUALS IN  
20 THE LOCAL GOVERNMENT BEAR THE EFFECTS OF DISCRIMINATION, PUBLIC OR  
21 PRIVATE, IN AREAS SUCH AS EDUCATION, EMPLOYMENT, HEALTH, CRIMINAL  
22 JUSTICE, HOUSING, TRANSPORTATION, LAND USE, OR ENVIRONMENTAL  
23 PROTECTION;

24 (VIII) THE EXTENT TO WHICH PROTECTED CLASS INDIVIDUALS IN  
25 THE LOCAL GOVERNMENT ARE DISADVANTAGED IN OTHER AREAS THAT MAY  
26 HINDER THEIR ABILITY TO PARTICIPATE EFFECTIVELY IN THE POLITICAL PROCESS;

27 (IX) THE USE OF OVERT OR SUBTLE RACIAL APPEALS IN  
28 POLITICAL CAMPAIGNS IN THE LOCAL GOVERNMENT OR SURROUNDING ADOPTION  
29 OR MAINTENANCE OF THE CHALLENGED PRACTICE;

30 (X) THE EXTENT TO WHICH CANDIDATES FACE HOSTILITY OR  
31 BARRIERS ON ACCOUNT OF THEIR MEMBERSHIP IN A PROTECTED CLASS WHILE  
32 CAMPAIGNING;

33 (XI) A LACK OF RESPONSIVENESS BY ELECTED OFFICIALS OF  
34 THE LOCAL GOVERNMENT TO THE PARTICULARIZED NEEDS OF PROTECTED CLASS



1 INDIVIDUALS, INCLUDING A LACK OF CONCERN FOR, OR RESPONSIVENESS TO, THE  
2 REQUESTS AND PROPOSALS OF THE GROUP, WITHOUT CONSIDERING COMPLIANCE  
3 WITH A COURT ORDER AS EVIDENCE OF RESPONSIVENESS ON THE PART OF THE  
4 JURISDICTION;

5 (XII) WHETHER THE PARTICULAR METHOD OF ELECTION,  
6 ORDINANCE, REGULATION, OR OTHER LAW, OR RELATED STANDARD, PRACTICE,  
7 PROCEDURE, OR POLICY WAS DESIGNED TO ADVANCE AND MATERIALLY ADVANCES  
8 A VALID AND SUBSTANTIATED STATE INTEREST; AND

9 (XIII) OTHER FACTORS AS THE COURT MAY DETERMINE TO BE  
10 RELEVANT.

11 (2) FOR THE PURPOSE OF CONSIDERING THE FACTOR LISTED IN  
12 PARAGRAPH (1)(II) OF THIS SUBSECTION, IF A MINORITY GROUP IS TOO SMALL TO  
13 ELECT CANDIDATES OF ITS CHOICE, THAT FACT ALONE MAY NOT DEFEAT A CLAIM  
14 OF VOTE DENIAL OR ABRIDGMENT.

15 (B) THE FACTORS THAT ARE RELEVANT TO A TOTALITY OF THE  
16 CIRCUMSTANCES ANALYSIS FOR A CLAIM OF VOTE DENIAL OR IMPAIRMENT UNDER  
17 SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE THE FOLLOWING:

18 (1) THE NUMBER OF PROTECTED CLASS MEMBERS UNAFFECTED BY  
19 THE CHALLENGED QUALIFICATION, PREREQUISITE, STANDARD, PRACTICE, OR  
20 PROCEDURE;

21 (2) THE DEGREE TO WHICH THE CHALLENGED QUALIFICATION,  
22 PREREQUISITE, STANDARD, PRACTICE, OR PROCEDURE HAS A LONG PEDIGREE OR  
23 WAS IN WIDESPREAD USE AT SOME EARLIER DATE;

24 (3) THE USE OF AN IDENTICAL OR SIMILAR QUALIFICATION,  
25 PREREQUISITE, STANDARD, PRACTICE, OR PROCEDURE IN OTHER STATES OR  
26 JURISDICTIONS;

27 (4) THE AVAILABILITY OF OTHER FORMS OF VOTING UNIMPACTED BY  
28 THE CHALLENGED QUALIFICATION, PREREQUISITE, STANDARD, PRACTICE, OR  
29 PROCEDURE TO ALL MEMBERS OF THE ELECTORATE, INCLUDING MEMBERS OF THE  
30 PROTECTED CLASS, UNLESS THE JURISDICTION IS SIMULTANEOUSLY EXPANDING  
31 THE OTHER PRACTICES TO ELIMINATE ANY DISPROPORTIONATE BURDEN IMPOSED  
32 BY THE CHALLENGED QUALIFICATION, PREREQUISITE, STANDARD, PRACTICE, OR  
33 PROCEDURE; AND

34 (5) UNSUBSTANTIATED DEFENSES THAT THE QUALIFICATION,

1 PREREQUISITE, STANDARD, PRACTICE, OR PROCEDURE IS NECESSARY TO ADDRESS  
2 CRIMINAL ACTIVITY.

3 **15.5-204.**

4 (A) (1) THE FOLLOWING PERSONS MAY FILE AN ACTION UNDER THIS  
5 SUBTITLE IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY:

6 (I) AN AGGRIEVED PERSON;

7 (II) AN ORGANIZATION WHOSE MEMBERSHIP INCLUDES OR IS  
8 LIKELY TO INCLUDE AGGRIEVED PERSONS;

9 (III) AN ORGANIZATION WHOSE MISSION WOULD BE  
10 FRUSTRATED BY A VIOLATION OF THIS SUBTITLE;

11 (IV) AN ORGANIZATION THAT WOULD EXPEND RESOURCES IN  
12 ORDER TO FULFILL ITS MISSION AS A RESULT OF A VIOLATION OF THIS SUBTITLE;  
13 OR

14 (V) THE CIVIL RIGHTS DIVISION.

15 (2) MEMBERS OF TWO OR MORE PROTECTED CLASSES OF VOTERS  
16 THAT ARE POLITICALLY COHESIVE IN A LOCAL GOVERNMENT MAY FILE AN ACTION  
17 JOINTLY UNDER THIS SUBTITLE.

18 (B) (1) NOTWITHSTANDING ANY OTHER LAW, IF THE COURT FINDS A  
19 VIOLATION OF THIS SUBTITLE, THE COURT SHALL ORDER APPROPRIATE REMEDIES  
20 THAT ARE TAILORED TO ADDRESS THE VIOLATION IN THE LOCAL GOVERNMENT AND  
21 ENSURE THAT PROTECTED CLASS VOTERS HAVE EQUITABLE ACCESS TO FULLY  
22 PARTICIPATE IN THE ELECTORAL PROCESS, WHICH MAY INCLUDE:

23 (I) A DISTRICT-BASED METHOD OF ELECTION;

24 (II) AN ALTERNATIVE METHOD OF ELECTION, INCLUDING  
25 PROPORTIONAL RANKED-CHOICE VOTING, CUMULATIVE VOTING, OR LIMITED  
26 VOTING;

27 (III) NEW OR REVISED DISTRICTING PLANS;

28 (IV) ELIMINATION OF STAGGERED ELECTIONS SO THAT ALL  
29 MEMBERS OF THE LEGISLATIVE BODY ARE ELECTED AT THE SAME TIME;

1 (V) REASONABLY INCREASING THE SIZE OF THE LEGISLATIVE  
2 BODY;

3 (VI) ADDITIONAL VOTING HOURS OR DAYS;

4 (VII) ADDITIONAL POLLING LOCATIONS;

5 (VIII) ADDITIONAL MEANS OF VOTING, SUCH AS VOTING BY MAIL  
6 OR ADDITIONAL OPPORTUNITIES TO RETURN BALLOTS;

7 (IX) ORDERING OF SPECIAL ELECTIONS;

8 (X) REQUIRING EXPANDED OPPORTUNITIES FOR THE  
9 ADMISSION OF VOTERS;

10 (XI) REQUIRING ADDITIONAL VOTER EDUCATION;

11 (XII) THE RESTORATION OR ADDITION OF PERSONS TO A VOTER  
12 REGISTRY; OR

13 (XIII) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,  
14 RETAINING JURISDICTION FOR WHATEVER PERIOD OF TIME THE COURT MAY  
15 DETERMINE IS APPROPRIATE.

16 (2) IF THE COURT RETAINS JURISDICTION UNDER PARAGRAPH  
17 (1)(XIII) OF THIS SUBSECTION, DURING THE TIME THAT JURISDICTION IS RETAINED,  
18 A VOTING QUALIFICATION OR PREREQUISITE TO VOTING OR STANDARD, PRACTICE,  
19 OR PROCEDURE WITH RESPECT TO VOTING MAY NOT BE IMPOSED IF DOING SO  
20 WOULD BE DIFFERENT FROM WHAT WAS IN EFFECT AT THE TIME THE PROCEEDING  
21 WAS COMMENCED, UNLESS THE COURT FINDS THAT THE QUALIFICATION,  
22 PREREQUISITE, STANDARD, PRACTICE, OR PROCEDURE DOES NOT HAVE THE  
23 PURPOSE AND WILL NOT HAVE THE EFFECT OF IMPAIRING OR DIMINISHING THE  
24 RIGHT TO VOTE ON THE BASIS OF PROTECTED CLASS MEMBERSHIP.

25 (3) (I) THE COURT MAY TAKE ACTION OR ORDER A REMEDY UNDER  
26 THIS SECTION ONLY IF THE ACTION OR REMEDY WILL NOT DIMINISH THE ABILITY OF  
27 PROTECTED CLASS VOTERS TO PARTICIPATE IN THE POLITICAL PROCESS AND  
28 ELECT THEIR PREFERRED CANDIDATES OR OTHERWISE INFLUENCE THE OUTCOME  
29 OF ELECTIONS.

30 (II) THE COURT SHALL CONSIDER REMEDIES PROPOSED BY  
31 ANY PARTIES TO AN ACTION FILED UNDER THIS SECTION.

1           **(III) THE COURT MAY NOT GIVE DEFERENCE OR PRIORITY TO A**  
2 **PROPOSED REMEDY BECAUSE IT IS THE REMEDY PROPOSED BY THE LOCAL**  
3 **GOVERNMENT.**

4           **(IV) THE COURT SHALL HAVE THE POWER TO REQUIRE A LOCAL**  
5 **GOVERNMENT TO IMPLEMENT REMEDIES THAT ARE INCONSISTENT WITH ANY**  
6 **OTHER PROVISION OF STATE OR LOCAL LAW WHERE THE INCONSISTENT PROVISION**  
7 **OF LAW WOULD OTHERWISE PRECLUDE THE COURT FROM ORDERING AN**  
8 **APPROPRIATE REMEDY IN THE MATTER.**

9 **15.5-205.**

10           **(A) (1) A PROPOSAL BY A LOCAL GOVERNMENT TO ENACT AND**  
11 **IMPLEMENT THE FOLLOWING SHALL BE SUBJECT TO PARAGRAPH (2) OF THIS**  
12 **SUBSECTION:**

13           **(I) A NEW METHOD OF ELECTION TO REPLACE THE AT-LARGE**  
14 **METHOD OF ELECTION OF THE LOCAL GOVERNMENT WITH EITHER A**  
15 **DISTRICT-BASED OR AN ALTERNATIVE METHOD OF ELECTION; OR**

16           **(II) A NEW DISTRICTING PLAN, IF A PROPOSAL WAS MADE AFTER**  
17 **THE RECEIPT OF A NOTIFICATION LETTER DESCRIBED IN SUBSECTION (B) OF THIS**  
18 **SECTION OR AFTER THE FILING OF A CLAIM UNDER THIS SUBTITLE OR THE FEDERAL**  
19 **VOTING RIGHTS ACT.**

20           **(2) (I) 1. BEFORE DRAWING A DRAFT DISTRICTING PLAN OR**  
21 **PLANS OF SHIFTING TO A PROPOSED ALTERNATIVE METHOD OF ELECTION, THE**  
22 **LOCAL GOVERNMENT SHALL HOLD AT LEAST TWO PUBLIC HEARINGS, WITHIN 30**  
23 **DAYS OF EACH OTHER, AT WHICH MEMBERS OF THE PUBLIC MAY PROVIDE INPUT**  
24 **REGARDING THE PROPOSED REMEDY, INCLUDING, IF APPLICABLE, THE**  
25 **COMPOSITION OF ELECTION DISTRICTS.**

26           **2. IN ADVANCE OF THE HEARINGS REQUIRED UNDER**  
27 **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE LOCAL GOVERNMENT SHALL**  
28 **CONDUCT OUTREACH TO MEMBERS OF THE PUBLIC, INCLUDING TO LANGUAGE**  
29 **MINORITY GROUPS, TO EXPLAIN THE DISTRICTING PROCESS OR PROCESS OF**  
30 **SHIFTING TO A PROPOSED ALTERNATIVE METHOD OF ELECTION.**

31           **(II) 1. AFTER DRAFT DISTRICTING PLANS ARE DRAWN OR**  
32 **PLANS OF SHIFTING TO A PROPOSED ALTERNATIVE METHOD OF ELECTION ARE**  
33 **ESTABLISHED, THE LOCAL GOVERNMENT SHALL PUBLISH AND MAKE AVAILABLE**  
34 **FOR PUBLIC DISSEMINATION AT LEAST ONE PLAN AND AN EXPLANATION OF THE**  
35 **POTENTIAL SEQUENCE OF ELECTIONS IN THE EVENT THE MEMBERS OF THE**

1 LEGISLATIVE BODY OF THE LOCAL GOVERNMENT WOULD BE ELECTED FOR  
2 STAGGERED TERMS UNDER THE PLAN.

3           **2. THE LOCAL GOVERNMENT SHALL HOLD AT LEAST**  
4 **TWO PUBLIC HEARINGS, WITHIN 45 DAYS OF EACH OTHER, AT WHICH MEMBERS OF**  
5 **THE PUBLIC MAY PROVIDE INPUT REGARDING THE CONTENT OF THE PLAN OR PLANS**  
6 **AND, IF APPLICABLE, THE POTENTIAL SEQUENCE OF ELECTIONS.**

7           **3. THE PLAN OR PLANS SHALL BE PUBLISHED AT LEAST**  
8 **7 DAYS BEFORE CONSIDERATION AT EACH OF THE PUBLIC HEARINGS.**

9           **4. IF THE PLAN OR PLANS ARE REVISED AT OR**  
10 **FOLLOWING ANY HEARING, THE LOCAL GOVERNMENT SHALL PUBLISH AND MAKE**  
11 **AVAILABLE FOR PUBLIC DISSEMINATION THE REVISED PLAN OR PLANS AT LEAST 7**  
12 **DAYS BEFORE ANY ADOPTION OF THE REVISED PLAN OR PLANS.**

13           **(III) IN DETERMINING THE SEQUENCE OF ELECTIONS IN THE**  
14 **EVENT THE MEMBERS OF THE LEGISLATIVE BODY OF A LOCAL GOVERNMENT WOULD**  
15 **BE ELECTED FOR STAGGERED TERMS UNDER A DISTRICTING PLAN OR PLANS OF**  
16 **SHIFTING TO A PROPOSED ALTERNATIVE METHOD OF ELECTION, THE LEGISLATIVE**  
17 **BODY SHALL GIVE SPECIAL CONSIDERATION TO THE PURPOSES OF THIS TITLE AND**  
18 **TAKE INTO ACCOUNT THE PREFERENCES EXPRESSED BY VOTERS IN THE DISTRICTS.**

19           **(B) (1) BEFORE FILING AN ACTION AGAINST A LOCAL GOVERNMENT**  
20 **UNDER THIS SECTION, A PARTY DESCRIBED IN § 15.5-204 OF THIS SUBTITLE SHALL**  
21 **SEND BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, A NOTIFICATION LETTER**  
22 **TO THE CHIEF CLERK OF THE LOCAL GOVERNMENT ASSERTING THAT THE LOCAL**  
23 **GOVERNMENT MAY BE IN VIOLATION OF THE PROVISIONS OF THIS TITLE.**

24           **(2) (I) THE PARTY MAY NOT FILE AN ACTION UNDER THIS SECTION**  
25 **WITHIN 50 DAYS AFTER SENDING A NOTIFICATION LETTER TO THE LOCAL**  
26 **GOVERNMENT.**

27           **(II) WITHIN 60 DAYS AFTER A NOTIFICATION LETTER IS SENT TO**  
28 **A LOCAL GOVERNMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE**  
29 **LEGISLATIVE BODY OF THE LOCAL GOVERNMENT MAY PASS A RESOLUTION:**

30           **1. AFFIRMING THE LOCAL GOVERNMENT'S INTENTION**  
31 **TO ENACT AND IMPLEMENT A REMEDY FOR A POTENTIAL VIOLATION OF THE**  
32 **PROVISIONS OF THIS TITLE;**

33           **2. ESTABLISHING SPECIFIC MEASURES THAT THE LOCAL**  
34 **GOVERNMENT WILL TAKE TO FACILITATE APPROVAL AND IMPLEMENTATION OF A**

1 REMEDY; AND

2                                   3.     PROVIDING A SCHEDULE FOR THE ENACTMENT AND  
3 IMPLEMENTATION OF THE REMEDY.

4                   (3)     A PARTY DESCRIBED UNDER § 15.5–204 OF THIS SUBTITLE MAY  
5 NOT FILE AN ACTION UNDER THIS SUBSECTION UNTIL 90 DAYS AFTER THE PASSAGE  
6 OF ANY RESOLUTION BY THE LEGISLATIVE BODY UNDER PARAGRAPH (2) OF THIS  
7 SUBSECTION.

8                   (4)     IF, UNDER THE LAWS OF THIS STATE OR ANY CODE HOME RULE OR  
9 CHARTER COUNTY ORDINANCE, THE LEGISLATIVE BODY OF A LOCAL GOVERNMENT  
10 LACKS AUTHORITY TO ENACT OR IMPLEMENT A REMEDY IDENTIFIED IN A  
11 RESOLUTION UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION WITHIN 90 DAYS  
12 AFTER THE PASSAGE OF THE RESOLUTION, THE LOCAL GOVERNMENT SHALL:

13                                   (I)     HOLD AT LEAST ONE PUBLIC HEARING ON A PROPOSAL TO  
14 REMEDY A POTENTIAL VIOLATION OF THE PROVISIONS OF THIS TITLE, AT WHICH  
15 MEMBERS OF THE PUBLIC MAY PROVIDE INPUT REGARDING PROPOSED REMEDIES;  
16 AND

17                                   (II)     IN ADVANCE OF THE HEARING UNDER ITEM (I) OF THIS  
18 PARAGRAPH, CONDUCT OUTREACH TO MEMBERS OF THE PUBLIC, INCLUDING TO  
19 LANGUAGE MINORITY COMMUNITIES, TO ENCOURAGE INPUT.

20                   (5)     (I)     THE LEGISLATIVE BODY OF THE LOCAL GOVERNMENT MAY  
21 APPROVE A PROPOSED REMEDY UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION  
22 THAT COMPLIES WITH THE PROVISIONS OF THIS TITLE AND SHALL SUBMIT THE  
23 PROPOSED REMEDY TO THE CIVIL RIGHTS DIVISION.

24                                   (II)     THE CIVIL RIGHTS DIVISION SHALL, NOT LATER THAN 60  
25 DAYS AFTER SUBMISSION OF A PROPOSED REMEDY BY A LOCAL GOVERNMENT,  
26 APPROVE THE PROPOSED REMEDY IF THE ATTORNEY GENERAL CONCLUDES THAT:

27   1.     THE LOCAL GOVERNMENT MAY BE IN VIOLATION OF  
28 THE PROVISIONS OF THIS TITLE;

29   2.     THE PROPOSED REMEDY WOULD ADDRESS A  
30 POTENTIAL VIOLATION;

31   3.     THE PROPOSED REMEDY WILL NOT DIMINISH THE  
32 ABILITY OF PROTECTED CLASS VOTERS TO PARTICIPATE IN THE POLITICAL  
33 PROCESS AND ELECT THEIR PREFERRED CANDIDATES TO OFFICE; AND

1                                   4.     IMPLEMENTATION OF THE PROPOSED REMEDY IS  
2 FEASIBLE.

3                                   (III) IF THE CIVIL RIGHTS DIVISION APPROVES THE PROPOSED  
4 REMEDY, THE PROPOSED REMEDY SHALL BE ENACTED AND IMPLEMENTED  
5 IMMEDIATELY.

6                                   (IV) IF THE CIVIL RIGHTS DIVISION REJECTS THE PROPOSED  
7 REMEDY:

8                                   1.     THE PROPOSED REMEDY MAY NOT BE ENACTED OR  
9 IMPLEMENTED;

10                                  2.     THE CIVIL RIGHTS DIVISION SHALL SPECIFY THE  
11 OBJECTIONS TO THE PROPOSED REMEDY AND EXPLAIN THE BASIS FOR THE DENIAL;  
12 AND

13                                  3.     THE CIVIL RIGHTS DIVISION MAY RECOMMEND  
14 ANOTHER PROPOSED REMEDY THAT THE ATTORNEY GENERAL WOULD APPROVE.

15                                  (V) IF THE CIVIL RIGHTS DIVISION DOES NOT APPROVE THE  
16 PROPOSED REMEDY WITHIN 60 DAYS AFTER THE SUBMISSION OF THE PROPOSED  
17 REMEDY BY THE LOCAL GOVERNMENT, THE PROPOSED REMEDY MAY NOT BE  
18 ENACTED OR IMPLEMENTED.

19                                  (6) (I) A LOCAL GOVERNMENT THAT HAS PASSED A RESOLUTION  
20 UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION MAY ENTER INTO AN AGREEMENT  
21 WITH A PARTY THAT SENT A NOTIFICATION LETTER UNDER PARAGRAPH (1) OF THIS  
22 SUBSECTION PROVIDING THAT THE PARTY MAY NOT FILE AN ACTION UNDER THIS  
23 SECTION UNTIL 90 DAYS AFTER ENTERING INTO THE AGREEMENT.

24                                  (II) IF A PARTY AGREES TO ENTER INTO AN AGREEMENT, THE  
25 AGREEMENT SHALL REQUIRE THAT THE LOCAL GOVERNMENT EITHER ENACT AND  
26 IMPLEMENT A REMEDY THAT COMPLIES WITH THE PROVISIONS OF THIS TITLE OR  
27 ENACT AND SUBMIT A REMEDY TO THE CIVIL RIGHTS DIVISION.

28                                  (III) IF A PARTY DECLINES TO ENTER INTO AN AGREEMENT, THE  
29 PARTY MAY FILE AN ACTION UNDER THIS SUBTITLE AT ANY TIME.

30 15.5–206.

31 (A) (1) IF A LOCAL GOVERNMENT ENACTS OR IMPLEMENTS A REMEDY OR

1 THE CIVIL RIGHTS DIVISION APPROVES A PROPOSED REMEDY UNDER § 15.5-205 OF  
2 THIS SUBTITLE, WITHIN 30 DAYS AFTER THE ENACTMENT, IMPLEMENTATION, OR  
3 APPROVAL, A PARTY WHO SENT A NOTIFICATION LETTER UNDER § 15.5-205(B)(1)  
4 OF THIS SUBTITLE MAY SUBMIT A CLAIM FOR REIMBURSEMENT FROM THE LOCAL  
5 GOVERNMENT FOR THE COSTS ASSOCIATED WITH PRODUCING AND SENDING THE  
6 NOTIFICATION LETTER.

7 (2) THE PARTY SHALL SUBMIT A CLAIM IN WRITING AND  
8 SUBSTANTIATE THE CLAIM WITH FINANCIAL DOCUMENTATION, INCLUDING A  
9 DETAILED INVOICE FOR ANY DEMOGRAPHY SERVICES OR ANALYSIS OF VOTING  
10 PATTERNS IN THE LOCAL GOVERNMENT.

11 (3) ON RECEIPT OF A CLAIM, THE LOCAL GOVERNMENT MAY REQUEST  
12 ADDITIONAL FINANCIAL DOCUMENTATION IF WHAT HAS BEEN PROVIDED BY THE  
13 PARTY IS INSUFFICIENT TO SUBSTANTIATE THE COSTS.

14 (4) (I) 1. SUBJECT TO SUBPARAGRAPH (II) OF THIS  
15 PARAGRAPH, THE LOCAL GOVERNMENT SHALL REIMBURSE THE PARTY FOR  
16 REASONABLE COSTS CLAIMED OR FOR AN AMOUNT THAT THE PARTY AND THE LOCAL  
17 GOVERNMENT AGREE ON.

18 2. THE CUMULATIVE AMOUNT OF REIMBURSEMENTS TO  
19 ALL PARTIES, OTHER THAN THE CIVIL RIGHTS DIVISION, MAY NOT EXCEED \$50,000.

20 (II) IF THE PARTY AND THE LOCAL GOVERNMENT FAIL TO  
21 AGREE TO A REIMBURSEMENT AMOUNT, EITHER THE PARTY OR THE LOCAL  
22 GOVERNMENT MAY FILE AN ACTION FOR A DECLARATORY JUDGMENT WITH THE  
23 CIRCUIT COURT FOR ANNE ARUNDEL COUNTY.

24 (B) (1) NOTWITHSTANDING THE PROVISIONS OF THIS SUBSECTION, A  
25 PARTY DESCRIBED IN § 15.5-204(A)(1) OF THIS SUBTITLE MAY SEEK PRELIMINARY  
26 RELIEF FOR AN ELECTION HELD IN A LOCAL GOVERNMENT BY FILING AN ACTION  
27 UNDER THIS SECTION WITHIN 120 DAYS BEFORE THE ELECTION.

28 (2) THE PARTY SHALL SEND A NOTIFICATION LETTER UNDER §  
29 15.5-205(B)(1) OF THIS SUBTITLE TO THE LOCAL GOVERNMENT.

30 (3) IF ANY ACTION IS WITHDRAWN OR DISMISSED BY THE COURT AS  
31 BEING MOOT AS A RESULT OF THE LOCAL GOVERNMENT'S ENACTMENT OR  
32 IMPLEMENTATION OF A REMEDY OR THE APPROVAL BY THE CIVIL RIGHTS DIVISION  
33 OF A PROPOSED REMEDY, A PARTY MAY ONLY SUBMIT A CLAIM FOR  
34 REIMBURSEMENT OF COSTS UNDER SUBSECTION (A) OF THIS SECTION.



1           **(4) IF PRELIMINARY RELIEF IS SOUGHT UNDER THIS SUBSECTION BY**  
2 **A PARTY DESCRIBED IN § 15.5-204(A)(1) OF THIS SUBTITLE, THE CIRCUIT COURT**  
3 **FOR ANNE ARUNDEL COUNTY SHALL GRANT THE RELIEF IF THE COURT**  
4 **DETERMINES THAT:**

5                   **(I) THE PARTY IS MORE LIKELY THAN NOT TO SUCCEED ON THE**  
6 **MERITS; AND**

7                   **(II) IT IS POSSIBLE TO IMPLEMENT AN APPROPRIATE REMEDY**  
8 **THAT WOULD RESOLVE THE VIOLATION ALLEGED UNDER THIS SECTION BEFORE THE**  
9 **ELECTION.**

10                           **SUBTITLE 3. LANGUAGE ASSISTANCE.**

11 **15.5-301.**

12           **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE STATE BOARD**  
13 **SHALL DESIGNATE ONE OR MORE LANGUAGES OTHER THAN ENGLISH FOR WHICH**  
14 **THERE IS A SIGNIFICANT AND SUBSTANTIAL NEED FOR LANGUAGE-RELATED**  
15 **ASSISTANCE IN A LOCAL GOVERNMENT ELECTION.**

16           **(B) THE STATE BOARD SHALL DETERMINE THAT A SIGNIFICANT AND**  
17 **SUBSTANTIAL NEED FOR LANGUAGE-RELATED ASSISTANCE EXISTS IN A LOCAL**  
18 **GOVERNMENT ELECTION IF, BASED ON THE BEST AVAILABLE DATA, INCLUDING**  
19 **INFORMATION FROM THE U.S. CENSUS BUREAU'S AMERICAN COMMUNITY SURVEY**  
20 **OR DATA OF COMPARABLE QUALITY COLLECTED BY A PUBLIC OFFICE:**

21                   **(1) MORE THAN 2%, BUT IN NO INSTANCE FEWER THAN 100**  
22 **INDIVIDUALS, OF THE VOTING AGE POPULATION OF THE LOCAL GOVERNMENT:**

23                           **(I) SPEAK A PARTICULAR LANGUAGE OTHER THAN ENGLISH;**

24                           **(II) DOES NOT SPEAK ENGLISH AS THEIR PRIMARY LANGUAGE;**

25 **AND**

26                           **(III) SPEAKS, READS, OR UNDERSTANDS THE ENGLISH**  
27 **LANGUAGE LESS THAN "VERY WELL", AS REPORTED IN AVAILABLE U.S. CENSUS**  
28 **BUREAU DATA OR DATA OF COMPARABLE QUALITY COLLECTED BY A PUBLIC**  
29 **OFFICE; OR**

30                   **(2) MORE THAN 4,000 INDIVIDUALS OF THE VOTING AGE POPULATION**  
31 **OF THE LOCAL GOVERNMENT SPEAK A PARTICULAR LANGUAGE OTHER THAN**  
32 **ENGLISH AND ARE LIMITED ENGLISH PROFICIENT.**

1 **15.5–302.**

2 (A) ON OR BEFORE JANUARY 1, 2024, AND EVERY 3 YEARS THEREAFTER,  
3 THE STATE BOARD SHALL PUBLISH AND MAINTAIN ON ITS WEBSITE A LIST OF:

4 (1) EACH LOCAL GOVERNMENT ELECTION THAT REQUIRES  
5 LANGUAGE-RELATED ASSISTANCE IN A LANGUAGE OTHER THAN ENGLISH; AND

6 (2) THE TYPE OF LANGUAGE-RELATED ASSISTANCE THAT IS  
7 REQUIRED TO BE PROVIDED IN THE LOCAL GOVERNMENT ELECTION.

8 (B) THE STATE BOARD SHALL DISTRIBUTE THIS LIST TO EACH LOCAL  
9 GOVERNMENT IN TIME TO ALLOW LOCAL GOVERNMENTS TO PROVIDE  
10 LANGUAGE-RELATED ASSISTANCE UNDER § 15.5–303 OF THIS SUBTITLE.

11 **15.5–303.**

12 (A) A LOCAL GOVERNMENT THAT ADMINISTERS ELECTIONS SHALL  
13 PROVIDE LANGUAGE-RELATED ASSISTANCE AND MATERIALS IN VOTING AND  
14 ELECTIONS TO LIMITED ENGLISH PROFICIENT VOTERS IN EACH LANGUAGE  
15 DESIGNATED BY THE STATE BOARD UNDER § 15.5–301 OF THIS SUBTITLE FOR THE  
16 LOCAL GOVERNMENT ELECTION.

17 (B) WHENEVER THE STATE BOARD DETERMINES THAT  
18 LANGUAGE-RELATED ASSISTANCE SHALL BE PROVIDED IN A LOCAL GOVERNMENT  
19 ELECTION UNDER THIS SECTION, THE LOCAL GOVERNMENT RESPONSIBLE FOR  
20 ADMINISTERING THE ELECTION SHALL PROVIDE COMPETENT ASSISTANCE AND  
21 PHYSICAL AND ONLINE VOTING MATERIALS IN EACH DESIGNATED LANGUAGE  
22 UNDER § 15.5–301 OF THIS SUBTITLE.

23 (C) (1) FOR EACH DESIGNATED LANGUAGE UNDER § 15.5–301 OF THIS  
24 SUBTITLE, THE LANGUAGE-RELATED ASSISTANCE AND MATERIALS SHALL INCLUDE:

25 (I) REGISTRATION AND VOTING NOTICES;

26 (II) ELECTION-RELATED FORMS AND INSTRUCTIONS; AND

27 (III) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
28 SUBSECTION, BALLOTS AND OTHER MATERIALS OR INFORMATION RELATING TO THE  
29 ELECTORAL PROCESS.

30 (2) IN THE CASE OF A LANGUAGE THAT IS ORAL OR UNWRITTEN, THE

1 LOCAL GOVERNMENT MAY PROVIDE ONLY ORAL INSTRUCTIONS, ASSISTANCE, OR  
2 OTHER INFORMATION RELATING TO THE ELECTORAL PROCESS IN THE APPLICABLE  
3 LANGUAGE.

4 (D) (1) MATERIALS PROVIDED IN A DESIGNATED LANGUAGE SHALL BE OF  
5 AN EQUAL QUALITY TO THE CORRESPONDING ENGLISH LANGUAGE MATERIALS.

6 (2) ALL TRANSLATIONS SHALL CONVEY THE INTENT AND ESSENTIAL  
7 MEANING OF THE ORIGINAL TEXT OR COMMUNICATION AND MAY NOT SOLELY RELY  
8 ON AUTOMATIC ELECTRONIC TRANSLATION SERVICES.

9 (3) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SECTION,  
10 LANGUAGE-RELATED ASSISTANCE SHALL INCLUDE THE PRESENCE OF BILINGUAL  
11 POLL WORKERS WHERE AVAILABLE.

12 **15.5-304.**

13 (A) THE STATE BOARD SHALL ADOPT REGULATIONS THAT ESTABLISH A  
14 REVIEW PROCESS TO DETERMINE WHETHER A SIGNIFICANT AND SUBSTANTIAL  
15 NEED EXISTS FOR A LANGUAGE TO BE DESIGNATED UNDER § 15.5-301 OF THIS  
16 SUBTITLE.

17 (B) THE PROCESS ESTABLISHED BY THE STATE BOARD UNDER SUBSECTION  
18 (A) OF THIS SECTION SHALL INCLUDE, AT MINIMUM:

19 (1) AN OPPORTUNITY FOR A VOTER OR GROUP OF VOTERS TO  
20 REQUEST THAT THE STATE BOARD CONSIDER DESIGNATING A LANGUAGE UNDER §  
21 15.5-301 OF THIS SUBTITLE; AND

22 (2) AN OPPORTUNITY FOR PUBLIC COMMENT.

23 (C) ON RECEIPT OF A REQUEST AND CONSIDERATION OF ANY PUBLIC  
24 COMMENT, THE STATE BOARD SHALL DESIGNATE ANY LANGUAGE FOR WHICH IT  
25 DETERMINES THE CRITERIA FOR DESIGNATION ARE MET.

26 **15.5-305.**

27 (A) THE FOLLOWING PERSONS MAY FILE AN ACTION UNDER THIS SECTION  
28 IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY:

29 (1) AN AGGRIEVED PERSON;

30 (2) AN ORGANIZATION WHOSE MEMBERSHIP INCLUDES OR IS LIKELY

1 TO INCLUDE AGGRIEVED PERSONS;

2 (3) AN ORGANIZATION WHOSE MISSION WOULD BE FRUSTRATED BY A  
3 VIOLATION OF THIS SECTION;

4 (4) AN ORGANIZATION THAT WOULD EXPEND RESOURCES IN ORDER  
5 TO FULFILL ITS MISSION AS A RESULT OF A VIOLATION OF THIS SECTION; OR

6 (5) THE STATE BOARD.

7 (B) (1) IN THE CASE OF ANY LOCAL GOVERNMENT THAT SEEKS TO  
8 PROVIDE ONLY ENGLISH LANGUAGE MATERIALS DESPITE A DETERMINATION BY  
9 THE STATE BOARD THAT THE LOCAL GOVERNMENT IS REQUIRED TO PROVIDE  
10 LANGUAGE-RELATED ASSISTANCE UNDER THIS SUBTITLE, THE LOCAL  
11 GOVERNMENT MAY FILE AN ACTION AGAINST THE STATE BOARD IN THE CIRCUIT  
12 COURT FOR ANNE ARUNDEL COUNTY SEEKING A DECLARATORY JUDGMENT  
13 ALLOWING THE LOCAL GOVERNMENT TO PROVIDE ONLY ENGLISH LANGUAGE  
14 MATERIALS.

15 (2) THE COURT SHALL ENTER THE DECLARATORY JUDGMENT IN  
16 FAVOR OF THE LOCAL GOVERNMENT ONLY IF THE COURT FINDS THAT THE  
17 DETERMINATION BY THE STATE BOARD WAS ARBITRARY AND CAPRICIOUS OR AN  
18 ABUSE OF DISCRETION.

19 SUBTITLE 4. PRECLEARANCE.

20 15.5-401.

21 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
22 INDICATED.

23 (B) (1) "COVERED JURISDICTION" MEANS ANY LOCAL GOVERNMENT:

24 (I) THAT, WITHIN THE IMMEDIATELY PRECEDING 25 YEARS,  
25 HAS BECOME SUBJECT TO A COURT ORDER OR GOVERNMENT ENFORCEMENT  
26 ACTION BASED ON A FINDING OF A VIOLATION OF THIS TITLE, THE FEDERAL VOTING  
27 RIGHTS ACT, THE 15TH AMENDMENT TO THE U.S. CONSTITUTION, OR A  
28 VOTING-RELATED VIOLATION OF THE 14TH AMENDMENT TO THE U.S.  
29 CONSTITUTION;

30 (II) THAT, WITHIN THE IMMEDIATELY PRECEDING 25 YEARS,  
31 HAS BECOME SUBJECT TO AT LEAST THREE COURT ORDERS OR GOVERNMENT  
32 ENFORCEMENT ACTIONS BASED ON A FINDING OF A VIOLATION OF A FEDERAL OR

1 STATE CIVIL RIGHTS LAW OR THE 14TH AMENDMENT TO THE U.S. CONSTITUTION  
2 CONCERNING DISCRIMINATION AGAINST MEMBERS OF A PROTECTED CLASS;

3 (III) WHERE THE COMBINED MISDEMEANOR AND FELONY  
4 ARREST RATE OF MEMBERS OF ANY PROTECTED CLASS CONSISTING OF AT LEAST  
5 10,000 CITIZENS OF VOTING AGE OR WHOSE MEMBERS COMPRISE AT LEAST 10% OF  
6 THE CITIZEN VOTING AGE POPULATION OF THE LOCAL GOVERNMENT, EXCEEDS THE  
7 PROPORTION THAT THE PROTECTED CLASS CONSTITUTES OF THE CITIZEN VOTING  
8 AGE POPULATION OF THE LOCAL GOVERNMENT AS A WHOLE BY AT LEAST 20% AT  
9 ANY POINT WITHIN THE IMMEDIATELY PRECEDING 10 YEARS; OR

10 (IV) WHERE, BASED ON DATA MADE AVAILABLE BY THE U.S.  
11 BUREAU OF THE CENSUS, THE DISSIMILARITY INDEX OF ANY PROTECTED CLASS  
12 THAT CONSISTS OF AT LEAST 25,000 CITIZENS OF VOTING AGE FOR THE LOCAL  
13 GOVERNMENT OR WHOSE MEMBERS COMPRISE AT LEAST 10% OF THE VOTING AGE  
14 POPULATION OF THE LOCAL GOVERNMENT, HAS BEEN IN EXCESS OF 50 WITH  
15 RESPECT TO THE RACE, COLOR, OR LANGUAGE MINORITY GROUP THAT COMPRISES  
16 A MAJORITY WITHIN THE LOCAL GOVERNMENT AT ANY POINT DURING THE  
17 IMMEDIATELY PRECEDING 10 YEARS.

18 (2) "COVERED JURISDICTION" INCLUDES A LOCAL BOARD OF A  
19 COUNTY THAT IS A COVERED JURISDICTION.

20 (C) "COVERED POLICY" INCLUDES A NEW OR MODIFIED LOCAL  
21 GOVERNMENT QUALIFICATION FOR ADMISSION AS A VOTER, PREREQUISITE TO  
22 VOTING, OR ANY OF THE FOLLOWING ORDINANCES, REGULATIONS, STANDARDS,  
23 PRACTICES, PROCEDURES, OR POLICIES CONCERNING:

24 (1) A CHANGE TO THE METHOD OF ELECTION OR DATES OF ELECTION  
25 OF MEMBERS OF A GOVERNING BODY OR AN ELECTED SCHOOL BOARD;

26 (2) A CHANGE TO THE BOUNDARIES OF ELECTION DISTRICTS OR  
27 WARDS IN THE LOCAL GOVERNMENT, INCLUDING CHANGES MADE UNDER A  
28 DECENNIAL REDISTRICTING MEASURE;

29 (3) A CHANGE TO THE FORM OF GOVERNMENT FOR A LOCAL  
30 GOVERNMENT;

31 (4) AN ANNEXATION, AN INCORPORATION, A DISSOLUTION, A  
32 CONSOLIDATION, OR A DIVISION OF A LOCAL GOVERNMENT;

33 (5) A CHANGE TO THE PROCESS OF REMOVAL OF INDIVIDUALS FROM  
34 VOTER REGISTRATION LISTS AND OTHER ACTIVITIES CONCERNING THE

1 CANCELLATION OR DENIAL OF VOTER REGISTRATION;

2 (6) A CHANGE TO THE ASSIGNMENT OF A VOTING PRECINCT, POLLING  
3 PLACE, OR DROP BOX LOCATION, INCLUDING THE RELOCATION OF VOTERS  
4 ASSIGNED TO POLLING PLACES, THE RELOCATION OR REDUCTION OF HOURS OF ANY  
5 POLLING PLACE OR BALLOT DROP BOX, OR THE REDUCTION OR CONSOLIDATION OF  
6 THE NUMBER OF POLLING PLACES OR BALLOT DROP BOXES;

7 (7) A CHANGE TO THE PROVISION OF TRANSLATION OR  
8 INTERPRETATION SERVICES TO VOTERS IN ANY LANGUAGE OTHER THAN ENGLISH,  
9 INCLUDING THE CREATION OR DISTRIBUTION OF VOTING MATERIALS IN ANY  
10 LANGUAGE OTHER THAN ENGLISH;

11 (8) A CHANGE TO THE PROVISION OF ASSISTANCE TO VOTERS WITH  
12 DISABILITIES, INCLUDING THE CREATION OR DISTRIBUTION OF VOTING MATERIALS  
13 FOR VOTERS WITH DISABILITIES; OR

14 (9) ANY ADDITIONAL SUBJECT MATTER THAT THE STATE BOARD, IN  
15 CONSULTATION WITH THE CIVIL RIGHTS DIVISION, MAY IDENTIFY FOR INCLUSION  
16 BY REGULATION IF THE CIVIL RIGHTS DIVISION DETERMINES THAT ANY  
17 QUALIFICATION FOR ADMISSION AS A VOTER, PREREQUISITE TO VOTING, OR ANY  
18 ORDINANCE, REGULATION, STANDARD, PRACTICE, PROCEDURE, OR POLICY  
19 CONCERNING THE SUBJECT MATTER MAY HAVE THE EFFECT OF IMPAIRING OR  
20 DIMINISHING THE RIGHT TO VOTE OF ANY PROTECTED CLASS VOTER.

21 (D) "GOVERNMENT ENFORCEMENT ACTION" MEANS A DENIAL OF  
22 ADMINISTRATIVE OR JUDICIAL PRECLEARANCE BY THE STATE OR FEDERAL  
23 GOVERNMENT, PENDING LITIGATION FILED BY A FEDERAL OR STATE ENTITY, A  
24 FINAL JUDGMENT OR ADJUDICATION, A CONSENT DECREE, OR A SIMILAR FORMAL  
25 ACTION.

26 (E) "PRECLEARANCE" MEANS THE REQUIREMENT THAT A LOCAL  
27 GOVERNMENT SUBMIT THE PROPOSED ENACTMENT OR IMPLEMENTATION OF A  
28 COVERED POLICY, IN WRITING, TO THE CIVIL RIGHTS DIVISION OR THE CIRCUIT  
29 COURT FOR ANNE ARUNDEL COUNTY FOR APPROVAL OR DENIAL.

30 15.5-402.

31 THE ENACTMENT OR IMPLEMENTATION OF A COVERED POLICY BY A COVERED  
32 JURISDICTION IS SUBJECT TO PRECLEARANCE BY:

33 (1) THE CIVIL RIGHTS DIVISION, UNDER § 15.5-404 OF THIS  
34 SUBTITLE; OR

1           **(2) THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, UNDER §**  
2 **15.5-406 OF THIS SUBTITLE.**

3 **15.5-403.**

4           **(A) WHEN THE CIVIL RIGHTS DIVISION RECEIVES A SUBMISSION OF A**  
5 **COVERED POLICY FOR PRECLEARANCE, THE CIVIL RIGHTS DIVISION SHALL**  
6 **PUBLISH THE SUBMISSION ON ITS WEBSITE AS SOON AS PRACTICABLE, BUT NOT**  
7 **LATER THAN 10 DAYS AFTER RECEIPT OF THE SUBMISSION.**

8           **(B) (1) AFTER THE PUBLICATION OF A SUBMISSION UNDER SUBSECTION**  
9 **(A) OF THIS SECTION, THERE SHALL BE AN OPPORTUNITY FOR MEMBERS OF THE**  
10 **PUBLIC TO COMMENT AND PROVIDE FEEDBACK ON THE SUBMISSION TO THE CIVIL**  
11 **RIGHTS DIVISION WITHIN THE TIME PERIODS UNDER § 15.5-405 OF THIS SUBTITLE.**

12           **(2) TO FACILITATE PUBLIC COMMENT, THE CIVIL RIGHTS DIVISION**  
13 **SHALL PROVIDE AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO SIGN UP TO**  
14 **RECEIVE NOTIFICATIONS OR ALERTS REGARDING THE SUBMISSION OF A COVERED**  
15 **POLICY FOR PRECLEARANCE.**

16           **(C) THE CIVIL RIGHTS DIVISION SHALL PUBLICLY POST ITS REPORTS AND**  
17 **DETERMINATIONS UNDER THIS SUBTITLE ON ITS WEBSITE.**

18 **15.5-404.**

19           **(A) (1) THE CIVIL RIGHTS DIVISION SHALL REVIEW A COVERED POLICY**  
20 **SUBMITTED FOR PRECLEARANCE UNDER § 15.5-403 OF THIS SUBTITLE.**

21           **(2) THE CIVIL RIGHTS DIVISION SHALL REVIEW THE PUBLIC**  
22 **COMMENT SUBMITTED WITH THE SUBMISSION OF A COVERED POLICY FOR**  
23 **PRECLEARANCE.**

24           **(B) (1) FOLLOWING THE REVIEW REQUIRED UNDER SUBSECTION (A) OF**  
25 **THIS SECTION, THE CIVIL RIGHTS DIVISION SHALL PROVIDE A REPORT AND**  
26 **DETERMINATION AS TO WHETHER PRECLEARANCE FOR A COVERED POLICY SHOULD**  
27 **BE APPROVED OR DENIED.**

28           **(2) THE DETERMINATION UNDER PARAGRAPH (1) OF THIS**  
29 **SUBSECTION SHALL BE MADE WITHIN THE TIME PERIODS UNDER § 15.5-405 OF THIS**  
30 **SUBTITLE.**

31           **(C) (1) THE COVERED JURISDICTION SHALL BEAR THE BURDEN OF**

1 PROOF IN ANY PRECLEARANCE DETERMINATION.

2 (2) THE CIVIL RIGHTS DIVISION MAY REQUEST ADDITIONAL  
3 INFORMATION FROM THE COVERED JURISDICTION AT ANY TIME DURING ITS REVIEW  
4 TO AID IN DEVELOPING ITS REPORT AND RECOMMENDATION.

5 (3) THE FAILURE OF A COVERED JURISDICTION TO TIMELY COMPLY  
6 WITH REASONABLE REQUESTS FOR MORE INFORMATION MAY BE GROUNDS FOR THE  
7 DENIAL OF PRECLEARANCE.

8 (D) (1) IN ANY PRECLEARANCE DETERMINATION, THE CIVIL RIGHTS  
9 DIVISION SHALL IDENTIFY, IN WRITING, WHETHER IT IS APPROVING OR REJECTING  
10 THE COVERED POLICY.

11 (2) (I) THE CIVIL RIGHTS DIVISION MAY, IN ITS DISCRETION,  
12 DESIGNATE PRECLEARANCE AS PRELIMINARY.

13 (II) IF THE CIVIL RIGHTS DIVISION DESIGNATES  
14 PRECLEARANCE AS PRELIMINARY, THE CIVIL RIGHTS DIVISION MAY DENY  
15 PRECLEARANCE WITHIN 60 DAYS FOLLOWING THE RECEIPT OF SUBMISSION OF THE  
16 COVERED POLICY.

17 (E) THE CIVIL RIGHTS DIVISION MAY DENY PRECLEARANCE ONLY IF IT  
18 DETERMINES THAT THE COVERED POLICY IS MORE LIKELY THAN NOT TO DIMINISH  
19 THE OPPORTUNITY OR ABILITY OF PROTECTED CLASS MEMBERS TO PARTICIPATE IN  
20 THE POLITICAL PROCESS AND ELECT CANDIDATES OF THEIR CHOICE OR OTHERWISE  
21 INFLUENCE THE OUTCOME OF ELECTIONS, OR THAT THE COVERED POLICY IS MORE  
22 LIKELY THAN NOT TO VIOLATE THIS TITLE.

23 (F) (1) IF THE CIVIL RIGHTS DIVISION GRANTS PRECLEARANCE, THE  
24 APPLICABLE COVERED JURISDICTION MAY ENACT OR IMPLEMENT THE COVERED  
25 POLICY.

26 (2) IF THE CIVIL RIGHTS DIVISION DENIES PRECLEARANCE, THE  
27 DIVISION SHALL INCLUDE ITS OBJECTIONS AND EXPLAIN ITS BASIS FOR THE  
28 OBJECTIONS AND THAT THE COVERED POLICY OF THE APPLICABLE JURISDICTION  
29 MAY NOT BE ENACTED OR IMPLEMENTED.

30 (3) IF THE CIVIL RIGHTS DIVISION FAILS TO RESPOND WITHIN THE  
31 REQUIRED TIME PERIOD UNDER § 15.5-405 OF THIS SUBTITLE, THE COVERED  
32 POLICY SHALL BE GRANTED AND THE APPLICABLE JURISDICTION MAY ENACT OR  
33 IMPLEMENT THE COVERED POLICY.



1           **(G) ANY DENIAL OF PRECLEARANCE UNDER THIS SECTION MAY BE**  
2 **APPEALED TO THE SUPREME COURT OF MARYLAND.**

3 **15.5-405.**

4           **(A) (1) THE PERIOD FOR PUBLIC COMMENT SHALL BE 5 BUSINESS DAYS**  
5 **IF A COVERED POLICY CONCERNS THE LOCATION OF POLLING PLACES OR BALLOT**  
6 **DROP BOX LOCATIONS.**

7           **(2) THE CIVIL RIGHTS DIVISION SHALL REVIEW THE COVERED**  
8 **POLICY, INCLUDING ANY PUBLIC COMMENT, AND MAKE A DETERMINATION TO DENY**  
9 **OR GRANT PRECLEARANCE FOR THE COVERED POLICY WITHIN 15 DAYS FOLLOWING**  
10 **THE RECEIPT OF THE COVERED POLICY.**

11           **(3) THE CIVIL RIGHTS DIVISION MAY INVOKE AN EXTENSION OF UP**  
12 **TO 20 DAYS TO MAKE A DETERMINATION UNDER THIS SUBSECTION.**

13           **(B) THE PERIOD FOR PUBLIC COMMENT SHALL BE 20 BUSINESS DAYS IF A**  
14 **COVERED POLICY CONCERNS:**

15           **(1) THE IMPLEMENTATION OF A DISTRICT-BASED METHOD OF**  
16 **ELECTION OR AN ALTERNATIVE METHOD OF ELECTION;**

17           **(2) DISTRICTING PLANS; OR**

18           **(3) A CHANGE TO THE LOCAL GOVERNMENT'S FORM OF**  
19 **GOVERNMENT.**

20           **(C) THE PERIOD FOR PUBLIC COMMENT SHALL BE 10 BUSINESS DAYS FOR**  
21 **ANY OTHER COVERED POLICY.**

22           **(D) (1) FOR A COVERED POLICY DESCRIBED IN SUBSECTION (B) OR (C) OF**  
23 **THIS SECTION, THE CIVIL RIGHTS DIVISION SHALL REVIEW THE COVERED POLICY,**  
24 **INCLUDING ANY PUBLIC COMMENT, AND MAKE A DETERMINATION TO DENY OR**  
25 **GRANT PRECLEARANCE WITHIN 60 DAYS FOLLOWING THE SUBMISSION OF THE**  
26 **COVERED POLICY.**

27           **(2) THE CIVIL RIGHTS DIVISION MAY INVOKE UP TO TWO**  
28 **EXTENSIONS OF 90 DAYS EACH TO MAKE A DETERMINATION UNDER THIS**  
29 **SUBSECTION.**

30 **15.5-406.**

1           **(A) AS AN ALTERNATIVE TO PRECLEARANCE THROUGH THE CIVIL RIGHTS**  
2 **DIVISION UNDER § 15.5-404 OF THIS SUBTITLE, A COVERED JURISDICTION MAY**  
3 **SUBMIT A COVERED POLICY TO THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY**  
4 **FOR PRECLEARANCE.**

5           **(B) TO HAVE A COVERED POLICY BE CONSIDERED FOR PRECLEARANCE**  
6 **UNDER THIS SECTION, THE COVERED JURISDICTION SHALL:**

7               **(1) SUBMIT, IN WRITING, THE COVERED POLICY TO THE COURT; AND**

8               **(2) CONTEMPORANEOUSLY TRANSMIT TO THE CIVIL RIGHTS**  
9 **DIVISION A COPY OF THE COVERED POLICY SUBMITTED TO THE COURT UNDER ITEM**  
10 **(1) OF THIS SUBSECTION.**

11           **(C) FAILURE OF THE COVERED JURISDICTION TO PROVIDE A COPY OF THE**  
12 **POLICY TO THE CIVIL RIGHTS DIVISION UNDER SUBSECTION (B)(2) OF THIS**  
13 **SECTION SHALL RESULT IN AN AUTOMATIC DENIAL OF THE REQUEST FOR**  
14 **PRECLEARANCE.**

15           **(D) THE COURT SHALL EXERCISE EXCLUSIVE JURISDICTION OVER A**  
16 **SUBMISSION THAT IS IN COMPLIANCE WITH SUBSECTION (B) OF THIS SECTION.**

17           **(E) THE COVERED JURISDICTION SHALL BEAR THE BURDEN OF PROOF IN**  
18 **THE COURT'S PRECLEARANCE DETERMINATION.**

19           **(F) THE COURT SHALL GRANT OR DENY PRECLEARANCE WITHIN 60 DAYS**  
20 **FOLLOWING THE RECEIPT OF THE SUBMISSION OF THE COVERED POLICY.**

21           **(G) THE COURT MAY DENY PRECLEARANCE ONLY IF IT DETERMINES THAT**  
22 **THE COVERED POLICY IS MORE LIKELY THAN NOT TO DIMINISH THE OPPORTUNITY**  
23 **OR ABILITY OF PROTECTED CLASS MEMBERS TO PARTICIPATE IN THE POLITICAL**  
24 **PROCESS AND ELECT CANDIDATES OF THEIR CHOICE OR OTHERWISE INFLUENCE**  
25 **THE OUTCOME OF ELECTIONS, OR THAT THE COVERED POLICY IS MORE LIKELY**  
26 **THAN NOT TO VIOLATE A PROVISION IN THIS TITLE.**

27           **(H) (1) IF THE COURT GRANTS PRECLEARANCE, THE APPLICABLE**  
28 **COVERED JURISDICTION MAY ENACT OR IMPLEMENT THE COVERED POLICY.**

29               **(2) IF THE COURT DENIES PRECLEARANCE, THE COVERED POLICY**  
30 **MAY NOT BE ENACTED OR IMPLEMENTED.**

31               **(3) IF THE COURT FAILS TO RESPOND WITHIN 60 DAYS, THE COVERED**  
32 **POLICY MAY NOT BE ENACTED OR IMPLEMENTED.**

1           **(I) (1) A DENIAL UNDER THIS SECTION MAY BE APPEALED IN**  
2 **ACCORDANCE WITH THE ORDINARY RULES OF APPELLATE PROCEDURE.**

3           **(2) DUE TO THE FREQUENCY AND URGENCY OF ELECTIONS, ACTIONS**  
4 **BROUGHT UNDER THIS SECTION SHALL BE SUBJECT TO EXPEDITED PRETRIAL AND**  
5 **TRIAL PROCEEDINGS AND RECEIVE AN AUTOMATIC CALENDAR PREFERENCE ON**  
6 **APPEAL.**

7 **15.5-407.**

8           **THE FOLLOWING PERSONS MAY FILE AN ACTION IN THE CIRCUIT COURT FOR**  
9 **ANNE ARUNDEL COUNTY TO ENJOIN THE ENACTMENT OR IMPLEMENTATION OF A**  
10 **COVERED POLICY AND SEEK SANCTIONS IF A JURISDICTION ENACTS OR**  
11 **IMPLEMENTS A COVERED POLICY WITHOUT FIRST OBTAINING PRECLEARANCE IN**  
12 **ACCORDANCE WITH THIS SUBTITLE:**

13           **(1) AN AGGRIEVED PERSON;**

14           **(2) AN ORGANIZATION WHOSE MEMBERSHIP INCLUDES OR IS LIKELY**  
15 **TO INCLUDE AGGRIEVED PERSONS;**

16           **(3) AN ORGANIZATION WHOSE MISSION WOULD BE FRUSTRATED BY A**  
17 **VIOLATION OF THIS SUBTITLE;**

18           **(4) AN ORGANIZATION THAT WOULD EXPEND RESOURCES IN ORDER**  
19 **TO FULFILL ITS MISSION AS A RESULT OF A VIOLATION OF THIS SUBTITLE; OR**

20           **(5) THE CIVIL RIGHTS DIVISION.**

21 **15.5-408.**

22           **(A) THE STATE BOARD, IN CONSULTATION WITH THE CIVIL RIGHTS**  
23 **DIVISION, MAY ADOPT REGULATIONS TO CARRY OUT THE PURPOSES OF THIS**  
24 **SUBTITLE.**

25           **(B) (1) THE STATE BOARD, IN CONSULTATION WITH THE CIVIL RIGHTS**  
26 **DIVISION, MAY ADOPT REGULATIONS FOR AN EXPEDITED, EMERGENCY**  
27 **PRECLEARANCE PROCESS IN THE EVENT OF A COVERED POLICY OCCURRING**  
28 **DURING OR IMMEDIATELY PRECEDING AN ELECTION AS A RESULT OF A DISASTER, AN**  
29 **EMERGENCY, OR ANY OTHER EXIGENT CIRCUMSTANCES.**

30           **(2) (I) AN EXPEDITED OR EMERGENCY PRECLEARANCE GRANTED**

1 UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSIDERED ONLY  
2 PRELIMINARY PRECLEARANCE.

3 (II) THE CIVIL RIGHTS DIVISION MAY SUBSEQUENTLY DENY  
4 PRELIMINARY PRECLEARANCE WITHIN 60 DAYS FOLLOWING RECEIPT OF THE  
5 COVERED POLICY.

6 15.5-409.

7 A DETERMINATION BY THE CIVIL RIGHTS DIVISION OR THE CIRCUIT COURT  
8 FOR ANNE ARUNDEL COUNTY TO GRANT OR DENY PRECLEARANCE TO A COVERED  
9 POLICY MAY NOT BE ADMISSIBLE OR OTHERWISE CONSIDERED BY A COURT IN ANY  
10 SUBSEQUENT ACTION CHALLENGING THE COVERED POLICY.

11 SUBTITLE 5. STATEWIDE ELECTION DATABASE AND INFORMATION OFFICE.

12 15.5-501.

13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
14 INDICATED.

15 (B) "DIRECTOR" MEANS THE DIRECTOR OF THE OFFICE.

16 (C) "OFFICE" MEANS THE STATEWIDE ELECTION DATABASE AND  
17 INFORMATION OFFICE.

18 15.5-502.

19 THERE IS A STATEWIDE ELECTION DATABASE AND INFORMATION OFFICE IN  
20 THE STATE BOARD.

21 15.5-503.

22 THE PURPOSE OF THE OFFICE IS TO ASSIST THE STATE AND LOCAL  
23 GOVERNMENTS WITH:

24 (1) EVALUATING WHETHER, AND TO WHAT EXTENT, CURRENT LAWS  
25 AND PRACTICES RELATED TO ELECTION ADMINISTRATION ARE CONSISTENT WITH  
26 THIS TITLE;

27 (2) IMPLEMENTING BEST PRACTICES IN ELECTION ADMINISTRATION  
28 TO FURTHER THE PURPOSES OF THIS TITLE; AND

1           **(3) INVESTIGATING ANY POTENTIAL INFRINGEMENT ON THE RIGHT**  
2 **TO VOTE.**

3 **15.5-504.**

4           **(A) THE DIRECTOR OF THE OFFICE SHALL:**

5                   **(1) BE APPOINTED BY THE GOVERNOR;**

6                   **(2) AT A MINIMUM, HOLD AN ADVANCED DEGREE FROM AN**  
7 **ACCREDITED COLLEGE OR UNIVERSITY AND HAVE EXPERTISE IN DEMOGRAPHY,**  
8 **STATISTICAL ANALYSIS, AND ELECTORAL SYSTEMS; AND**

9                   **(3) BE AN EMPLOYEE OF THE STATE BOARD.**

10           **(B) THE DIRECTOR SHALL BE RESPONSIBLE FOR THE OPERATION AND**  
11 **ADMINISTRATION OF THE OFFICE.**

12           **(C) (1) THE STATE BOARD SHALL PROVIDE THE OFFICE WITH**  
13 **SUFFICIENT STAFF TO PERFORM THE FUNCTIONS OF THIS SUBTITLE.**

14                   **(2) THE DIRECTOR SHALL MANAGE STAFF TO OPERATE AND**  
15 **ADMINISTER THE OFFICE.**

16 **15.5-505.**

17           **(A) (1) THE OFFICE SHALL MAINTAIN THE FOLLOWING DATA AND**  
18 **RECORDS IN AN ELECTRONIC FORMAT:**

19                   **(I) ESTIMATES OF TOTAL POPULATION, VOTING AGE**  
20 **POPULATION, AND CITIZEN VOTING AGE POPULATION BY RACE, COLOR, AND**  
21 **LANGUAGE MINORITY GROUP, BROKEN DOWN ANNUALLY TO THE PRECINCT LEVEL**  
22 **FOR EACH LOCAL GOVERNMENT, BASED ON INFORMATION FROM THE U.S. CENSUS**  
23 **BUREAU, INCLUDING FROM THE AMERICAN COMMUNITY SURVEY, OR**  
24 **INFORMATION OF COMPARABLE QUALITY COLLECTED BY A SIMILAR**  
25 **GOVERNMENTAL AGENCY;**

26                   **(II) ELECTION RESULTS AT THE PRECINCT LEVEL FOR STATE**  
27 **AND LOCAL GOVERNMENT ELECTIONS;**

28                   **(III) REGULARLY UPDATED VOTER REGISTRATION LISTS,**  
29 **GEOCODED LOCATIONS FOR EACH REGISTERED VOTER, AND OTHER VOTER**  
30 **RECORDS, INCLUDING VOTER HISTORY FILES FOR EACH ELECTION IN EACH LOCAL**

1 GOVERNMENT;

2 (IV) DISTRICTING PLANS AND PRECINCT BOUNDARIES FOR  
3 EACH ELECTION IN EACH LOCAL GOVERNMENT, WHICH SHALL BE PROVIDED IN A  
4 SHAPEFILE OR COMPARABLE ELECTRONIC FORMAT;

5 (V) GEOCODED LOCATIONS OF POLLING PLACES AND BALLOT  
6 DROP BOXES FOR EACH ELECTION IN EACH LOCAL GOVERNMENT, AND A LIST OR  
7 DESCRIPTION OF THE DISTRICTS OR GEOGRAPHIC AREAS SERVED BY EACH POLLING  
8 PLACE OR BALLOT DROP BOX LOCATION; AND

9 (VI) ANY OTHER INFORMATION THAT THE DIRECTOR  
10 DETERMINES ADVISABLE TO MAINTAIN IN FURTHERANCE OF THE PURPOSES OF THE  
11 OFFICE AND THIS TITLE.

12 (2) THE DATA AND RECORDS UNDER PARAGRAPH (1) OF THIS  
13 SUBSECTION SHALL, AT A MINIMUM, COVER THE IMMEDIATELY PRECEDING 12  
14 YEARS.

15 (B) EXCEPT FOR ANY DATA, INFORMATION, OR ESTIMATES THAT IDENTIFY  
16 INDIVIDUAL VOTERS, THE DATA, INFORMATION, AND ESTIMATES MAINTAINED BY  
17 THE OFFICE SHALL BE POSTED ON THE STATE BOARD'S WEBSITE AND MADE  
18 AVAILABLE TO THE PUBLIC AT NO COST.

19 (C) THE OFFICE SHALL PREPARE ALL DATA USING THE MOST ADVANCED,  
20 PEER-REVIEWED, AND VALIDATED METHODOLOGIES.

21 15.5-506.

22 ON THE CERTIFICATION OF ELECTION RESULTS AND THE FINALIZATION OF  
23 OTHER VOTER RECORDS, INCLUDING VOTER HISTORY FILES, AFTER EACH LOCAL  
24 GOVERNMENT ELECTION, THE ENTITY RESPONSIBLE FOR ADMINISTERING THE  
25 LOCAL GOVERNMENT'S ELECTIONS SHALL TRANSMIT TO THE OFFICE, IN  
26 ELECTRONIC FORMAT, COPIES OF THE FOLLOWING:

27 (1) THE ELECTION RESULTS AT THE PRECINCT LEVEL;

28 (2) CONTEMPORANEOUS REGISTRATION LISTS;

29 (3) VOTER RECORDS OR VOTER HISTORY FILES;

30 (4) ELECTION DISTRICT AND PRECINCT BOUNDARIES; AND

1           **(5) LISTS OF POLLING PLACE AND BALLOT DROP BOX LOCATIONS AND**  
2 **LISTS OR DESCRIPTIONS OF THE DISTRICTS OR GEOGRAPHIC AREAS SERVED BY THE**  
3 **LOCATIONS.**

4 **15.5–507.**

5           **AT LEAST ONCE EACH YEAR, OR MORE FREQUENTLY ON REQUEST OF THE**  
6 **DIRECTOR, ANY STATE ENTITY IDENTIFIED BY THE DIRECTOR AS POSSESSING**  
7 **DATA, STATISTICS, OR OTHER INFORMATION THE DIRECTOR REQUIRES TO CARRY**  
8 **OUT THE DIRECTOR’S RESPONSIBILITIES UNDER THIS SUBTITLE SHALL PROVIDE**  
9 **THE DATA, STATISTICS, OR INFORMATION TO THE DIRECTOR.**

10 **15.5–508.**

11           **THE DIRECTOR MAY PROVIDE NONPARTISAN TECHNICAL ASSISTANCE TO**  
12 **LOCAL GOVERNMENTS, RESEARCHERS, AND MEMBERS OF THE PUBLIC SEEKING TO**  
13 **USE THE RESOURCES OF THE STATEWIDE DATABASE.**

14           **SUBTITLE 6. PROHIBITION OF VOTER INTIMIDATION AND OBSTRUCTION.**

15 **15.5–601.**

16           **(A) A PERSON, WHETHER ACTING UNDER COLOR OF LAW OR OTHERWISE,**  
17 **MAY NOT ENGAGE IN ACTS OF INTIMIDATION, DECEPTION, OR OBSTRUCTION THAT**  
18 **INTERFERE WITH AN INDIVIDUAL’S RIGHT TO VOTE.**

19           **(B) THE FOLLOWING SHALL CONSTITUTE A VIOLATION OF SUBSECTION (A)**  
20 **OF THIS SECTION:**

21           **(1) THE USE OF FORCE OR THREATS TO USE FORCE, OR THE USE OF**  
22 **ANY OTHER CONDUCT TO PRACTICE INTIMIDATION THAT CAUSES OR WILL**  
23 **REASONABLY HAVE THE EFFECT OF CAUSING INTERFERENCE WITH AN**  
24 **INDIVIDUAL’S RIGHT TO VOTE;**

25           **(2) THE KNOWING USE OF A DECEPTIVE OR FRAUDULENT DEVICE,**  
26 **CONTRIVANCE, OR COMMUNICATION THAT CAUSES OR WILL REASONABLY HAVE THE**  
27 **EFFECT OF CAUSING INTERFERENCE WITH ANY INDIVIDUAL’S RIGHT TO VOTE; OR**

28           **(3) THE OBSTRUCTION OF, IMPEDIMENT TO, OR OTHER**  
29 **INTERFERENCE WITH ACCESS TO A POLLING PLACE, A BALLOT DROP BOX, OR AN**  
30 **OFFICE OR A PLACE OF BUSINESS OF AN ELECTION OFFICIAL OR A VOTER OR AN**  
31 **ELECTION OFFICIAL IN A MANNER THAT CAUSES OR WILL REASONABLY HAVE THE**  
32 **EFFECT OF CAUSING INTERFERENCE WITH ANY INDIVIDUAL’S RIGHT TO VOTE OR**

1 ANY DELAY IN VOTING OR THE VOTING PROCESS.

2 (C) THE FOLLOWING PERSONS MAY FILE AN ACTION ALLEGING A VIOLATION  
3 OF THIS SECTION IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY:

4 (1) AN AGGRIEVED PERSON;

5 (2) AN ORGANIZATION WHOSE MEMBERSHIP INCLUDES OR IS LIKELY  
6 TO INCLUDE AGGRIEVED PERSONS;

7 (3) AN ORGANIZATION WHOSE MISSION WOULD BE FRUSTRATED BY A  
8 VIOLATION OF THIS SECTION;

9 (4) AN ORGANIZATION THAT WOULD EXPEND RESOURCES IN ORDER  
10 TO FULFILL ITS MISSION AS A RESULT OF A VIOLATION OF THIS SECTION; OR

11 (5) THE CIVIL RIGHTS DIVISION.

12 (D) (1) (I) IF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY  
13 FINDS A VIOLATION OF THIS SECTION, THE COURT SHALL ORDER APPROPRIATE  
14 REMEDIES THAT ARE TAILORED TO ADDRESS THE VIOLATION.

15 (II) THE REMEDIES ORDERED UNDER SUBPARAGRAPH (I) OF  
16 THIS PARAGRAPH MAY INCLUDE PROVIDING FOR ADDITIONAL TIME TO VOTE  
17 DURING AN ELECTION.

18 (2) A PERSON WHO VIOLATES THIS SECTION OR WHO AIDS IN THE  
19 VIOLATION OF THIS SECTION SHALL BE LIABLE FOR ANY DAMAGES AWARDED BY THE  
20 COURT, INCLUDING NOMINAL DAMAGES FOR ANY VIOLATION AND COMPENSATORY  
21 OR PUNITIVE DAMAGES FOR ANY WILLFUL VIOLATION.

22 SUBTITLE 7. JURISDICTION AND PROCEEDINGS.

23 15.5-701.

24 IN ANY ACTION OR INVESTIGATION TO ENFORCE THIS TITLE, THE CIVIL  
25 RIGHTS DIVISION MAY:

26 (1) EXAMINE WITNESSES;

27 (2) RECEIVE ORAL AND DOCUMENTARY EVIDENCE;

28 (3) DETERMINE MATERIAL FACTS; AND



1           **(4) ISSUE SUBPOENAS IN ACCORDANCE WITH THE ORDINARY RULES**  
2 **OF CIVIL PROCEDURE.**

3 **15.5-702.**

4           **(A) ACTIONS BROUGHT UNDER THIS TITLE SHALL BE SUBJECT TO**  
5 **EXPEDITED PRETRIAL AND TRIAL PROCEEDINGS AND RECEIVE AN AUTOMATIC**  
6 **CALENDAR PREFERENCE.**

7           **(B) IF A PARTY SEEKS PRELIMINARY RELIEF ALLEGING A VIOLATION OF**  
8 **THIS TITLE THAT RELATES TO AN UPCOMING ELECTION, THE CIRCUIT COURT FOR**  
9 **ANNE ARUNDEL COUNTY SHALL GRANT RELIEF IF IT DETERMINES THAT:**

10           **(1) THE PARTY IS MORE LIKELY THAN NOT TO SUCCEED ON THE**  
11 **MERITS; AND**

12           **(2) IT IS POSSIBLE TO IMPLEMENT AN APPROPRIATE REMEDY THAT**  
13 **WOULD RESOLVE THE ALLEGED VIOLATION IN THE UPCOMING ELECTION.**

14                                   **SUBTITLE 8. COSTS AND FEES.**

15 **15.5-801.**

16           **(A) EXCEPT AS PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION, IN AN**  
17 **ACTION TO ENFORCE THIS TITLE, THE CIRCUIT COURT FOR ANNE ARUNDEL**  
18 **COUNTY SHALL AWARD REASONABLE ATTORNEY'S FEES AND LITIGATION COSTS,**  
19 **INCLUDING EXPERT WITNESS FEES AND EXPENSES TO THE PARTY THAT PREVAILED**  
20 **IN THE ACTION.**

21           **(B) (1) IF THE STATE OR LOCAL GOVERNMENT IS AN OPPOSING PARTY, A**  
22 **PARTY WILL BE DEEMED TO HAVE PREVAILED IN AN ACTION WHEN, AS A RESULT OF**  
23 **THE ACTION, THE STATE OR LOCAL GOVERNMENT YIELDS SOME OR ALL OF THE**  
24 **RELIEF SOUGHT IN THE ACTION.**

25           **(2) IF THE STATE OR LOCAL GOVERNMENT PREVAILS IN AN ACTION**  
26 **UNDER THIS TITLE, THE COURT MAY NOT AWARD THE STATE OR LOCAL**  
27 **GOVERNMENT ANY COSTS UNLESS THE COURT FINDS THE ACTION TO BE**  
28 **FRIVOLOUS, UNREASONABLE, OR WITHOUT FOUNDATION.**

29           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
30 measure, is necessary for the immediate preservation of the public health or safety, has  
31 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
32 each of the two Houses of the General Assembly, and shall take effect from the date it is

1 enacted.