

HOUSE BILL 1043

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5lr2748
CF 5lr2750

By: **Delegates Smith, R. Lewis, and Palakovich Carr**

Introduced and read first time: February 5, 2025

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Voting Rights Act of 2025 – Voter Suppression and Vote Dilution**

3 FOR the purpose of altering public notice requirements of the State Board of Elections,
4 local boards of elections, and certain municipal corporations with respect to changes
5 in administrative policy affecting voting rights; prohibiting local governments from
6 taking any action related to the election process that results in a disparity between
7 members of a protected class and other members of the electorate or that would deny
8 or impair the right of a protected class member to vote; authorizing certain persons
9 to file an action to enforce this Act; requiring a court to order certain remedies for a
10 violation of this Act; establishing certain notice requirements for local governments
11 before implementing certain changes relating to the election process and for certain
12 parties prior to filing a certain action; requiring the Attorney General to approve or
13 deny proposed local government remedies to address certain violations; and
14 generally relating to voting rights.

15 BY repealing and reenacting, without amendments,
16 Article – Election Law
17 Section 1–101(a)
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2024 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Election Law
22 Section 1–101(b–2) and 1–305
23 Annotated Code of Maryland
24 (2022 Replacement Volume and 2024 Supplement)

25 BY adding to
26 Article – Election Law
27 Section 15.5–101 through 15.5–401 to be under the new title “Title 15.5. Voting
28 Rights Act – Voter Suppression and Vote Dilution”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2022 Replacement Volume and 2024 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
4 That the Laws of Maryland read as follows:

5 **Article – Election Law**

6 1–101.

7 (a) In this article the following words have the meanings indicated unless a
8 different meaning is clearly intended from the context.

9 (b–2) “Administrative policy affecting voting rights” means any action relating to
10 voter registration, provisional voting, absentee voting, [or] the location of a polling place or
11 early voting center, **OR ASSISTANCE AVAILABLE TO VOTERS, INCLUDING:**

12 **(1) LANGUAGE ASSISTANCE;**

13 **(2) ASSISTANCE FOR VOTERS WITH DISABILITIES; AND**

14 **(3) OTHER ASSISTANCE AS MAY BE REQUIRED BY A VOTER.**

15 1–305.

16 (a) **(1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
17 **State Board [or], a local board, OR A MUNICIPAL CORPORATION THAT ADMINISTERS**
18 **ITS OWN ELECTIONS** may not consider a change in an administrative policy affecting
19 voting rights at a meeting unless the board [has posted a prominent] **OR MUNICIPAL**
20 **CORPORATION PROVIDES REASONABLE** public notice [on its website at least 48 hours in
21 advance of the meeting stating that the board will consider an administrative policy
22 affecting voting rights at the meeting] **OF THE CHANGE UNDER CONSIDERATION AT**
23 **LEAST 15 DAYS BEFORE THE DATE OF THE MEETING.**

24 **(2) DURING THE PERIOD BEGINNING 21 DAYS BEFORE THE FIRST DAY**
25 **OF EARLY VOTING THROUGH ELECTION DAY, THE STATE BOARD, A LOCAL BOARD,**
26 **OR A MUNICIPAL CORPORATION THAT ADMINISTERS ITS OWN ELECTIONS MAY**
27 **CONSIDER A CHANGE IN ADMINISTRATIVE POLICY AFFECTING VOTING RIGHTS AT A**
28 **MEETING IF THE STATE BOARD, LOCAL BOARD, OR MUNICIPAL CORPORATION**
29 **PROVIDES REASONABLE PUBLIC NOTICE OF THE CHANGE AT LEAST 48 HOURS**
30 **BEFORE THE SCHEDULED MEETING TIME.**

31 (b) If the State Board [or], a local board, **OR A MUNICIPAL CORPORATION THAT**
32 **ADMINISTERS ITS OWN ELECTIONS** adopts a change in an administrative policy affecting
33 voting rights, the State Board and, if applicable, the local board **OR THE MUNICIPAL**

1 CORPORATION that adopted the change shall provide reasonable public notice of the
2 change as provided in subsection (c) of this section **WITHIN 48 HOURS AFTER THE**
3 **ADOPTION OF THE CHANGE.**

4 (c) The public notice **OF A CHANGE OR CONSIDERATION OF A CHANGE IN AN**
5 **ADMINISTRATIVE POLICY AFFECTING VOTING RIGHTS UNDER THIS SECTION** shall:

6 (1) be in a reasonably convenient and accessible format;

7 (2) be prominently posted on the website of the:

8 (i) State Board; and

9 (ii) **IF APPLICABLE**, local board **OR MUNICIPAL CORPORATION**
10 that adopted **OR CONSIDERED** the change[, if applicable]; **AND**

11 (3) include a concise description of the change, including the difference
12 between the [new] **CHANGE IN** administrative policy affecting voting rights and the
13 administrative policy affecting voting rights that was previously in effect[; and

14 (4) be provided within 48 hours of the adoption of the change] **WITHOUT**
15 **THE CHANGE.**

16 **(D) (1) THE STATE BOARD SHALL MAINTAIN A PAGE ON ITS WEBSITE**
17 **THAT CONTAINS ANY NOTICE REQUIRED UNDER THIS SECTION.**

18 **(2) (I) IMMEDIATELY AFTER PROVIDING NOTICE UNDER THIS**
19 **SECTION, A LOCAL BOARD OR MUNICIPAL CORPORATION SHALL PROVIDE A COPY OF**
20 **THE NOTICE TO THE STATE BOARD FOR INCLUSION ON THE STATE BOARD'S**
21 **WEBSITE UNDER THIS SUBSECTION.**

22 **(II) THE STATE BOARD SHALL PUBLISH A NOTICE RECEIVED**
23 **UNDER THIS PARAGRAPH AS SOON AS PRACTICABLE, BUT NOT LATER THAN 5 DAYS**
24 **AFTER THE DATE ON WHICH THE NOTICE IS RECEIVED.**

25 **TITLE 15.5. VOTING RIGHTS ACT – VOTER SUPPRESSION AND VOTE DILUTION.**

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

27 **15.5–101.**

28 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
29 **INDICATED UNLESS A DIFFERENT MEANING IS CLEARLY INTENDED FROM THE**
30 **CONTEXT.**

1 **(B) (1) “AT-LARGE METHOD OF ELECTION” MEANS A METHOD OF**
2 **ELECTING CANDIDATES TO THE GOVERNING BODY OF A LOCAL GOVERNMENT IN**
3 **WHICH THE CANDIDATES ARE VOTED ON BY ALL VOTERS OF THE LOCAL**
4 **GOVERNMENT.**

5 **(2) “AT-LARGE METHOD OF ELECTION” INCLUDES A METHOD OF**
6 **ELECTION THAT COMBINES AT-LARGE AND DISTRICT-BASED ELECTIONS.**

7 **(3) “AT-LARGE METHOD OF ELECTION” DOES NOT INCLUDE AN**
8 **ALTERNATIVE METHOD OF ELECTION.**

9 **(C) “ATTORNEY GENERAL” MEANS THE ATTORNEY GENERAL AND THE**
10 **OFFICE OF THE ATTORNEY GENERAL.**

11 **(D) “COURT” MEANS THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY.**

12 **(E) “DISPARITY” MEANS VARIANCE THAT IS SUPPORTED BY VALIDATED**
13 **METHODOLOGIES AND, WHERE RELEVANT, IS STATISTICALLY SIGNIFICANT.**

14 **(F) “DISTRICT-BASED METHOD OF ELECTION” MEANS A METHOD OF**
15 **ELECTING CANDIDATES TO THE GOVERNING BODY OF A LOCAL GOVERNMENT IN**
16 **WHICH, FOR LOCAL GOVERNMENTS DIVIDED INTO DISTRICTS, A CANDIDATE FOR**
17 **ANY DISTRICT IS REQUIRED TO RESIDE IN THE DISTRICT AND CANDIDATES**
18 **REPRESENTING OR SEEKING TO REPRESENT THE DISTRICT ARE VOTED ON BY ONLY**
19 **THE VOTERS OF THE DISTRICT.**

20 **(G) “ELECTION POLICY OR PRACTICE” MEANS:**

21 **(1) A VOTING QUALIFICATION OR PREREQUISITE TO VOTING;**

22 **(2) A METHOD OF ELECTION; OR**

23 **(3) A LAW, ORDINANCE, RESOLUTION, CHARTER OR CODE PROVISION,**
24 **REGULATION, RULE, POLICY, PRACTICE, PROCEDURE, STANDARD, OR ACTION WITH**
25 **RESPECT TO VOTING OR THE ADMINISTRATION OF ELECTIONS.**

26 **(H) “FEDERAL VOTING RIGHTS ACT” MEANS THE FEDERAL VOTING**
27 **RIGHTS ACT OF 1965.**

28 **(I) “GOVERNING BODY” MEANS:**

29 **(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 **(J) “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 IN § 1–101 OF THE**
12 **EDUCATION ARTICLE.**

13 **(K) (1) “METHOD OF ELECTION” MEANS A METHOD BY WHICH**
14 **CANDIDATES ARE ELECTED TO THE GOVERNING BODY OF A LOCAL GOVERNMENT.**

15 **(2) “METHOD OF ELECTION” INCLUDES:**

16 **(I) AN AT-LARGE METHOD OF ELECTION;**

17 **(II) A DISTRICT-BASED METHOD OF ELECTION, INCLUDING THE**
18 **CONFIGURATION OF ANY DISTRICTS USED TO ELECT CANDIDATES TO THE**
19 **GOVERNING BODY OF A LOCAL GOVERNMENT; OR**

20 **(III) ANY OTHER METHOD OF ELECTION.**

21 **(L) “PROTECTED CLASS” MEANS A CLASS OF CITIZENS WHO ARE MEMBERS**
22 **OF A RACE, COLOR, OR LANGUAGE MINORITY GROUP, INCLUDING A CLASS**
23 **COMPOSED OF MEMBERS OF TWO OR MORE MINORITY GROUPS, AS REFERENCED IN**
24 **THE FEDERAL VOTING RIGHTS ACT.**

25 **(M) “RACIALLY POLARIZED VOTING” MEANS VOTING IN WHICH THERE IS A**
26 **DIVERGENCE BETWEEN THE CANDIDATE OR ELECTORAL CHOICE PREFERRED BY**
27 **PROTECTED CLASS VOTERS AND THE CANDIDATE OR ELECTORAL CHOICE**
28 **PREFERRED BY OTHER VOTERS.**

1 (N) "SHARE-BASED METHOD OF ELECTION" MEANS A METHOD OF
2 ELECTION IN WHICH MORE THAN ONE CANDIDATE IS TO BE ELECTED AND
3 DIFFERENT GROUPS OF VOTERS MAY EACH ELECT THE GROUP'S PREFERRED
4 CANDIDATES BASED ON THE GROUP'S RELATIVE SHARE OF VOTES CAST, INCLUDING:

- 5 (1) CUMULATIVE VOTING;
6 (2) LIMITED VOTING;
7 (3) SINGLE-TRANSFERABLE VOTE; AND
8 (4) PARTY-LIST OR SLATE-LIST SYSTEMS.

9 (O) "VOTE" INCLUDES ANY ACTION NECESSARY TO CAST A BALLOT AND
10 MAKE THAT BALLOT COUNT IN AN ELECTION, INCLUDING:

- 11 (1) REGISTERING TO VOTE;
12 (2) REQUESTING A MAIL-IN BALLOT; OR
13 (3) ANY OTHER ACTION REQUIRED BY LAW AS A PREREQUISITE TO
14 CASTING A BALLOT AND HAVING THAT BALLOT COUNTED, CANVASSED, CERTIFIED,
15 AND INCLUDED IN THE APPROPRIATE TOTALS OF VOTES CAST IN AN ELECTION.

16 15.5-102.

17 STATUTES, RULES AND REGULATIONS, AND LOCAL LAWS, TOWN CHARTERS,
18 OR ORDINANCES RELATED TO THE RIGHT TO VOTE SHALL BE CONSTRUED
19 LIBERALLY IN FAVOR OF:

- 20 (1) PROTECTING THE RIGHT TO CAST A BALLOT;
21 (2) ENSURING THAT ELIGIBLE VOTERS ARE NOT IMPAIRED IN
22 REGISTERING TO VOTE OR VOTING, INCLUDING HAVING THEIR VOTES COUNTED;
23 AND
24 (3) ENSURING THAT PROTECTED-CLASS VOTERS HAVE EQUITABLE
25 ACCESS TO OPPORTUNITIES TO REGISTER TO VOTE AND TO VOTE.

26 15.5-103.

27 TO THE EXTENT THAT A COURT IS AFFORDED DISCRETION IN ANY QUESTION,

1 INCLUDING QUESTIONS RELATED TO DISCOVERY, PROCEDURE, ADMISSIBILITY OF
2 EVIDENCE, AND REMEDIES, THE COURT SHALL EXERCISE THE DISCRETION IN FAVOR
3 OF:

4 (1) PROTECTING THE RIGHT TO CAST A BALLOT;

5 (2) ENSURING THAT ELIGIBLE VOTERS ARE NOT IMPAIRED IN
6 REGISTERING TO VOTE OR VOTING, INCLUDING HAVING THEIR VOTES COUNTED;
7 AND

8 (3) ENSURING THAT PROTECTED-CLASS VOTERS HAVE EQUITABLE
9 ACCESS TO OPPORTUNITIES TO REGISTER TO VOTE AND TO VOTE.

10 15.5-104.

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

16 SUBTITLE 2. VOTER SUPPRESSION AND VOTE DILUTION.

17 15.5-201.

18 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A LOCAL GOVERNMENT
19 OR GOVERNMENTAL ENTITY RESPONSIBLE FOR ELECTION ADMINISTRATION MAY
20 NOT IMPLEMENT, IMPOSE, OR ENFORCE AN ELECTION POLICY OR PRACTICE, OR
21 TAKE ANY OTHER ACTION OR FAIL TO TAKE ANY ACTION, THAT RESULTS IN, IS
22 LIKELY TO RESULT IN, OR IS INTENDED TO RESULT IN:

23 (1) A MATERIAL DISPARITY IN VOTER PARTICIPATION, ACCESS TO
24 VOTING OPPORTUNITIES, OR THE OPPORTUNITY OR ABILITY TO PARTICIPATE IN
25 THE POLITICAL PROCESS BETWEEN MEMBERS OF A PROTECTED CLASS AND OTHER
26 MEMBERS OF THE ELECTORATE; OR

27 (2) BASED ON THE TOTALITY OF THE CIRCUMSTANCES, A DENIAL OR
28 IMPAIRMENT OF THE OPPORTUNITY OR ABILITY OF MEMBERS OF A PROTECTED
29 CLASS TO VOTE OR PARTICIPATE IN THE POLITICAL PROCESS.

30 (B) A LOCAL GOVERNMENT OR GOVERNMENTAL ENTITY RESPONSIBLE FOR
31 ELECTION ADMINISTRATION MAY NOT BE DETERMINED TO HAVE VIOLATED
32 SUBSECTION (A)(1) OF THIS SECTION IF THE LOCAL GOVERNMENT OR

1 GOVERNMENTAL ENTITY DEMONSTRATES BY CLEAR AND CONVINCING EVIDENCE
2 THAT:

3 (1) THE ELECTION POLICY OR PRACTICE IS NECESSARY TO
4 SIGNIFICANTLY FURTHER A COMPELLING INTEREST; AND

5 (2) THERE IS NO ALTERNATIVE THAT RESULTS IN A SMALLER
6 DISPARITY BETWEEN MEMBERS OF A PROTECTED CLASS AND OTHER MEMBERS OF
7 THE ELECTORATE.

8 15.5–202.

9 (A) A LOCAL GOVERNMENT MAY NOT ENACT OR EMPLOY ANY METHOD OF
10 ELECTION OR CAUSE AN ANNEXATION, AN INCORPORATION, A DISSOLUTION, A
11 CONSOLIDATION, OR A DIVISION OF A LOCAL GOVERNMENT THAT HAS THE EFFECT,
12 OR IS MOTIVATED IN PART BY THE INTENT, OF DILUTING THE VOTE OF PROTECTED
13 CLASS MEMBERS.

14 (B) A LOCAL GOVERNMENT VIOLATES SUBSECTION (A) OF THIS SECTION
15 WHEN:

16 (1) (I) ELECTIONS IN THE LOCAL GOVERNMENT EXHIBIT RACIALLY
17 POLARIZED VOTING, RESULTING IN AN IMPAIRMENT OF THE EQUAL OPPORTUNITY
18 OR ABILITY OF PROTECTED CLASS MEMBERS TO ELECT CANDIDATES OF THEIR
19 CHOICE; OR

20 (II) BASED ON THE TOTALITY OF THE CIRCUMSTANCES, THE
21 EQUAL OPPORTUNITY OR ABILITY OF PROTECTED CLASS MEMBERS TO NOMINATE
22 OR ELECT CANDIDATES OF THEIR CHOICE IS IMPAIRED; AND

23 (2) ONE OR MORE NEW METHODS OF ELECTION OR MODIFICATIONS
24 TO THE EXISTING METHOD OF ELECTION EXIST THAT THE COURT COULD ORDER IN
25 ACCORDANCE WITH § 15.5–204 OF THIS SUBTITLE THAT WOULD LIKELY MITIGATE
26 THE IMPAIRMENT OF THE EQUAL OPPORTUNITY OF PROTECTED CLASS MEMBERS TO
27 NOMINATE OR ELECT CANDIDATES OF THEIR CHOICE.

28 (C) IT IS NOT NECESSARY TO SHOW THAT THE TOTAL NUMBER OR SHARE OF
29 PROTECTED CLASS MEMBERS EXCEEDS ANY NUMERICAL THRESHOLD IN ANY
30 DISTRICT OR IN THE LOCAL GOVERNMENT AS A WHOLE TO FIND A VIOLATION OF
31 SUBSECTION (A) OF THIS SECTION.

32 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, TO
33 DETERMINE WHETHER RACIALLY POLARIZED VOTING IN A LOCAL GOVERNMENT

1 ELECTION OCCURS, THE COURT SHALL BASE THE FINDING ON:

2 (I) RELEVANT ELECTION RESULTS, INCLUDING:

3 1. ELECTIONS FOR LOCAL GOVERNMENT OFFICES;

4 2. ELECTIONS HELD WITHIN THE LOCAL GOVERNMENT
5 FOR STATE OR FEDERAL CONTESTS;

6 3. BALLOT MEASURES; AND

7 4. OTHER ELECTORAL CHOICES THAT BEAR ON THE
8 RIGHTS AND PRIVILEGES OF THE PROTECTED CLASS; AND

9 (II) THE COMBINED ELECTORAL PREFERENCES OF THE RACIAL,
10 ETHNIC, OR LINGUISTIC MINORITY GROUPS CONSTITUTING THE PROTECTED CLASS
11 AS DEFINED IN THE COMPLAINT ALLEGING THE VIOLATION.

12 (2) FOR PURPOSES OF PARAGRAPH (1)(II) OF THIS SUBSECTION,
13 THERE IS NO REQUIREMENT THAT THE ELECTORAL PREFERENCES OF EACH GROUP
14 OR ANY SUBGROUP WITHIN A PROTECTED CLASS BE SEPARATELY POLARIZED FROM
15 OTHER VOTERS.

16 (3) IN DETERMINING WHETHER RACIALLY POLARIZED VOTING IN A
17 LOCAL GOVERNMENT ELECTION OCCURS, THE COURT MAY NOT CONSIDER THE
18 CAUSES OF OR REASONS FOR RACIALLY POLARIZED VOTING, INCLUDING PARTISAN
19 EXPLANATIONS OR DISCRIMINATORY INTENT.

20 (4) THE COURT MAY NOT BE REQUIRED TO USE A SET NUMBER OR
21 COMBINATION OF ELECTIONS TO ESTABLISH THE EXISTENCE OF RACIALLY
22 POLARIZED VOTING.

23 (5) THE FOLLOWING EVIDENCE DOES NOT PRECLUDE A FINDING OF
24 RACIALLY POLARIZED VOTING:

25 (I) FOR ELECTIONS FOR OFFICES IN A LOCAL GOVERNMENT,
26 EVIDENCE OF NONPOLARIZED VOTING IN ELECTIONS FOR OFFICES OUTSIDE THE
27 LOCAL GOVERNMENT;

28 (II) FOR A FINDING OF RACIALLY POLARIZED VOTING BASED ON
29 QUANTITATIVE OR STATISTICAL EVIDENCE, NONQUANTITATIVE OR
30 NONSTATISTICAL EVIDENCE; AND

1 (III) LOW VOTER TURNOUT OR VOTER REGISTRATION RATES
2 AMONG MEMBERS OF THE PROTECTED CLASS.

3 15.5-203.

4 (A) (1) IN DETERMINING WHETHER, BASED ON THE TOTALITY OF THE
5 CIRCUMSTANCES, A VIOLATION OF § 15.5-201 OR § 15.5-202 OF THIS SUBTITLE HAS
6 OCCURRED WITH RESPECT TO A PROTECTED CLASS, THE COURT MAY, SUBJECT TO
7 PARAGRAPH (2) OF THIS SUBSECTION, CONSIDER THE FOLLOWING FACTORS:

8 (I) THE HISTORY OF DISCRIMINATION AFFECTING MEMBERS
9 OF A PROTECTED CLASS;

10 (II) THE EXTENT TO WHICH PROTECTED CLASS VOTERS HAVE
11 BEEN ELECTED TO OFFICE;

12 (III) THE USE OF DEVICES THAT MAY ENHANCE THE DILUTIVE
13 EFFECTS OF A METHOD OF ELECTION;

14 (IV) THE EXTENT TO WHICH CANDIDATES WHO ARE MEMBERS OF
15 THE PROTECTED CLASS HAVE FACED BARRIERS WITH RESPECT TO BALLOT ACCESS,
16 FINANCIAL SUPPORT, OR OTHER SUPPORT FOR AN ELECTION;

17 (V) THE EXTENT TO WHICH PROTECTED CLASS MEMBERS IN
18 THE STATE VOTE AT LOWER RATES THAN OTHER VOTERS IN THE STATE, AS
19 APPLICABLE;

20 (VI) THE EXTENT TO WHICH PROTECTED CLASS MEMBERS ARE
21 DISADVANTAGED OR OTHERWISE BEAR THE EFFECTS OF DISCRIMINATION, PUBLIC
22 OR PRIVATE, IN AREAS SUCH AS EDUCATION, EMPLOYMENT, HEALTH, CRIMINAL
23 JUSTICE, HOUSING, TRANSPORTATION, LAND USE, OR ENVIRONMENTAL
24 PROTECTION;

25 (VII) THE USE OF OVERT OR SUBTLE RACIAL APPEALS IN
26 POLITICAL CAMPAIGNS BY GOVERNMENT OFFICIALS;

27 (VIII) THE EXTENT TO WHICH CANDIDATES FACE HOSTILITY OR
28 BARRIERS ON ACCOUNT OF THEIR MEMBERSHIP IN A PROTECTED CLASS WHILE
29 CAMPAIGNING;

30 (IX) A LACK OF RESPONSIVENESS BY ELECTED OFFICIALS TO
31 THE PARTICULARIZED NEEDS OF PROTECTED CLASS MEMBERS;

1 **(X) WHETHER THE PARTICULAR ELECTION POLICY OR**
2 **PRACTICE WAS DESIGNED TO ADVANCE AND MATERIALLY ADVANCES A VALID AND**
3 **SUBSTANTIATED STATE INTEREST; AND**

4 **(XI) OTHER FACTORS AS THE COURT MAY DETERMINE TO BE**
5 **RELEVANT.**

6 **(2) (I) A FACTOR IDENTIFIED IN PARAGRAPH (1) OF THIS**
7 **SUBSECTION MAY NOT BE CONSIDERED DISPOSITIVE OR NECESSARY TO ESTABLISH**
8 **THE EXISTENCE OF A VIOLATION.**

9 **(II) NO NUMBER OR COMBINATION OF FACTORS IDENTIFIED IN**
10 **PARAGRAPH (1) OF THIS SUBSECTION MAY BE REQUIRED TO ESTABLISH THE**
11 **EXISTENCE OF A VIOLATION.**

12 **(III) THE ABSENCE OF EVIDENCE AS TO ANY FACTOR IDENTIFIED**
13 **IN PARAGRAPH (1) OF THIS SUBSECTION MAY NOT PRECLUDE A FINDING OF**
14 **LIABILITY.**

15 **(3) FOR EACH FACTOR IDENTIFIED IN PARAGRAPH (1) OF THIS**
16 **SUBSECTION, A FACTOR SHALL BE:**

17 **(I) AFFORDED THE MOST PROBATIVE VALUE IF IT RELATES TO**
18 **THE LOCAL GOVERNMENT UNDER CONSIDERATION; AND**

19 **(II) AFFORDED PROBATIVE VALUE IF THE FACTOR RELATES TO**
20 **THE GEOGRAPHIC REGION IN WHICH THE LOCAL GOVERNMENT IS LOCATED OR THE**
21 **STATE AS A WHOLE.**

22 **(B) (1) IN DETERMINING WHETHER A VIOLATION OF THIS SUBTITLE HAS**
23 **OCCURRED, THE COURT MAY NOT CONSIDER:**

24 **(I) THE NUMBER OF PROTECTED CLASS MEMBERS**
25 **UNAFFECTED BY THE ELECTION POLICY OR PRACTICE;**

26 **(II) THE DEGREE TO WHICH THE ELECTION POLICY OR**
27 **PRACTICE HAS A LONG PEDIGREE OR WAS IN WIDESPREAD USE AT SOME EARLIER**
28 **DATE;**

29 **(III) THE USE OF AN IDENTICAL OR SIMILAR ELECTION POLICY**
30 **OR PRACTICE IN OTHER STATES OR JURISDICTIONS;**

31 **(IV) THE AVAILABILITY OF OTHER FORMS OF VOTING**

1 UNIMPACTED BY THE ELECTION POLICY OR PRACTICE, UNLESS THE JURISDICTION
2 IS SIMULTANEOUSLY EXPANDING THE OTHER PRACTICES TO ELIMINATE ANY
3 DISPROPORTIONATE BURDEN IMPOSED BY THE ELECTION POLICY OR PRACTICE;
4 AND

5 (V) UNSUBSTANTIATED DEFENSES THAT THE ELECTION POLICY
6 OR PRACTICE IS NECESSARY TO ADDRESS CRIMINAL ACTIVITY.

7 (2) EVIDENCE CONCERNING THE INTENT OF VOTERS, ELECTED
8 OFFICIALS, OR PUBLIC OFFICIALS TO DISCRIMINATE AGAINST MEMBERS OF A
9 PROTECTED CLASS IS NOT NECESSARY FOR THE COURT TO FIND A VIOLATION OF
10 THIS SUBTITLE.

11 15.5-204.

12 (A) THE FOLLOWING PERSONS MAY FILE AN ACTION UNDER THIS SUBTITLE
13 IN THE COURT:

14 (1) AN AGGRIEVED PERSON;

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

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

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

21 (5) THE ATTORNEY GENERAL.

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

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

28 (II) A SHARE-BASED METHOD OF ELECTION;

29 (III) NEW OR REVISED DISTRICTING PLANS;

1 (IV) ELIMINATION OF STAGGERED ELECTIONS SO THAT ALL
2 MEMBERS OF THE GOVERNING BODY ARE ELECTED AT THE SAME TIME;

3 (V) REASONABLY INCREASING THE SIZE OF THE GOVERNING
4 BODY;

5 (VI) ADDITIONAL VOTING HOURS OR DAYS;

6 (VII) ADDITIONAL POLLING LOCATIONS;

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

9 (IX) ORDERING OF SPECIAL ELECTIONS;

10 (X) REQUIRING EXPANDED OPPORTUNITIES FOR THE
11 ADMISSION OF VOTERS;

12 (XI) REQUIRING ADDITIONAL VOTER EDUCATION;

13 (XII) THE RESTORATION OR ADDITION OF PERSONS TO A VOTER
14 REGISTRY;

15 (XIII) PREVENTING THE REORGANIZATION, ANNEXATION,
16 INCORPORATION, DISSOLUTION, CONSOLIDATION, OR DIVISION OF A LOCAL
17 GOVERNMENT; OR

18 (XIV) RETAINING JURISDICTION FOR A PERIOD OF TIME
19 DETERMINED APPROPRIATE BY THE COURT.

20 (2) (I) THE COURT SHALL CONSIDER REMEDIES PROPOSED BY
21 ANY PARTIES TO AN ACTION OR BY INTERESTED PARTIES FILED UNDER THIS
22 SECTION.

23 (II) THE COURT MAY NOT GIVE DEFERENCE OR PRIORITY TO A
24 PROPOSED REMEDY BECAUSE IT IS THE REMEDY PROPOSED BY THE LOCAL
25 GOVERNMENT.

26 (III) THE COURT SHALL HAVE THE POWER TO REQUIRE A LOCAL
27 GOVERNMENT TO IMPLEMENT REMEDIES THAT ARE INCONSISTENT WITH ANY
28 OTHER PROVISION OF STATE OR LOCAL LAW.

29 15.5-205.

1 (A) (1) A LOCAL GOVERNMENT SHALL PROVIDE NOTICE AS DESCRIBED IN
2 THIS SECTION AT LEAST 15 DAYS BEFORE A HEARING TO ADOPT ANY OF THE
3 FOLLOWING CHANGES:

4 (I) A CHANGE TO THE METHOD OF ELECTION FOR A LOCAL
5 GOVERNMENT;

6 (II) A GOVERNMENTAL REORGANIZATION, INCLUDING
7 ANNEXATION, INCORPORATION, DISSOLUTION, CONSOLIDATION, OR DIVISION OF A
8 LOCAL GOVERNMENT;

9 (III) A CHANGE TO DISTRICT BOUNDARIES WITHIN A LOCAL
10 GOVERNMENT; AND

11 (IV) A CHARTER AMENDMENT AUTHORIZING AN
12 ADMINISTRATIVE POLICY AFFECTING VOTING RIGHTS.

13 (2) IF A LOCAL GOVERNMENT ADOPTS A RESOLUTION SPECIFYING
14 THE DAY AND HOURS FOR A REFERENDUM ON A CHANGE IDENTIFIED IN PARAGRAPH
15 (1) OF THIS SUBSECTION, THE LOCAL GOVERNMENT SHALL PROVIDE NOTICE AS
16 DESCRIBED IN THIS SECTION IN ADDITION TO ANY OTHER NOTICE REQUIRED UNDER
17 STATE LAW.

18 (3) A LOCAL GOVERNMENT SHALL, AT A MINIMUM, PROVIDE NOTICE
19 DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION BY:

20 (I) PUBLISHING AND MAKING AVAILABLE THE TEXT OF THE
21 PROPOSED CHANGE FOR PUBLIC DISSEMINATION, INCLUDING THROUGH PRINT
22 NOTICES IN AT LEAST ONE PUBLIC BUILDING AND ON THE WEBSITE OF THE LOCAL
23 GOVERNMENT, IF APPLICABLE;

24 (II) TAKING APPROPRIATE STEPS TO PROVIDE MEANINGFUL
25 NOTICE OF THE PROPOSED CHANGE TO RESIDENTS WITH DISABILITIES AND
26 RESIDENTS WITH LIMITED ENGLISH PROFICIENCY; AND

27 (III) SUBMITTING THE TEXT OF THE PROPOSED CHANGE TO THE
28 STATE BOARD.

29 (4) THE STATE BOARD SHALL PUBLISH THE NOTICES SUBMITTED TO
30 THE STATE BOARD UNDER PARAGRAPH (3)(III) OF THIS SUBSECTION IN THE SAME
31 MANNER AS THOSE REQUIRED UNDER § 1-305 OF THIS ARTICLE.

1 **(B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, BEFORE**
2 **FILING AN ACTION AGAINST A LOCAL GOVERNMENT UNDER THIS SUBTITLE, A PARTY**
3 **DESCRIBED IN § 15.5-204(A) OF THIS SUBTITLE SHALL SEND BY CERTIFIED MAIL,**
4 **RETURN RECEIPT REQUESTED, A NOTIFICATION LETTER TO THE LOCAL**
5 **GOVERNMENT:**

6 **(I) ASSERTING THAT THE LOCAL GOVERNMENT MAY BE IN**
7 **VIOLATION OF THE PROVISIONS OF THIS TITLE;**

8 **(II) IDENTIFYING THE POTENTIAL VIOLATIONS;**

9 **(III) IDENTIFYING THE AFFECTED PROTECTED CLASS; AND**

10 **(IV) IDENTIFYING THE TYPE OF REMEDY THAT THE PARTY**
11 **BELIEVES WILL ADDRESS THE ALLEGED VIOLATIONS.**

12 **(2) THE PARTY MAY NOT FILE AN ACTION UNDER THIS SECTION UNTIL**
13 **60 DAYS AFTER SENDING A NOTIFICATION LETTER TO THE LOCAL GOVERNMENT OR**
14 **ON RECEIPT OF A WRITTEN DENIAL BY THE LOCAL GOVERNMENT, WHICHEVER IS**
15 **EARLIER.**

16 **(3) A NOTIFICATION LETTER IS NOT REQUIRED IF:**

17 **(I) THE PARTY IS SEEKING PRELIMINARY RELIEF WITH**
18 **RESPECT TO AN UPCOMING ELECTION IN ACCORDANCE WITH § 15.5-302(B) OF THIS**
19 **TITLE;**

20 **(II) THE PARTY IS SEEKING TO INTERVENE IN OR JOIN AN**
21 **EXISTING ACTION;**

22 **(III) ANOTHER PARTY HAS ALREADY SUBMITTED A**
23 **NOTIFICATION LETTER ALLEGING A SUBSTANTIALLY SIMILAR VIOLATION AND THAT**
24 **PARTY IS ELIGIBLE TO FILE AN ACTION UNDER THIS SUBTITLE;**

25 **(IV) THE LOCAL GOVERNMENT HAS ENACTED A CHANGE**
26 **IDENTIFIED IN SUBSECTION (A)(1) OF THIS SECTION WITHOUT THE REQUIRED**
27 **NOTICE AND THE PARTY SEEKS RELIEF FROM THAT CHANGE;**

28 **(V) FOLLOWING THE PARTY'S SUBMISSION OF A NOTIFICATION**
29 **LETTER, THE LOCAL GOVERNMENT HAS ENACTED A CHANGE IDENTIFIED IN**
30 **SUBSECTION (A)(1) OF THIS SECTION THAT WOULD NOT REMEDY THE POTENTIAL**
31 **VIOLATION IDENTIFIED IN THE PARTY'S NOTIFICATION LETTER; OR**

1 (VI) THE PROSPECT OF OBTAINING RELIEF WOULD BE FUTILE.

2 (4) (I) A LOCAL GOVERNMENT SHALL RESPOND IN WRITING TO A
3 NOTIFICATION LETTER SUBMITTED UNDER THIS SECTION WITHIN 60 DAYS AFTER
4 RECEIPT OF THE NOTIFICATION LETTER.

5 (II) IF THE LOCAL GOVERNMENT DOES NOT DENY THE
6 POTENTIAL VIOLATION, IT SHALL WORK IN GOOD FAITH WITH THE PARTY THAT
7 SUBMITTED THE NOTIFICATION LETTER TO IMPLEMENT MUTUALLY AGREEABLE
8 REMEDIES TO CURE THE POTENTIAL VIOLATION.

9 (III) IF THE LOCAL GOVERNMENT ADOPTS A RESOLUTION
10 WITHIN 60 DAYS AFTER RECEIVING THE NOTIFICATION LETTER IDENTIFYING A
11 REMEDY, AFFIRMING ITS INTENT TO ENACT AND IMPLEMENT A REMEDY, AND
12 ESTABLISHING A TIMELINE AND SPECIFIC STEPS IT WILL TAKE TO DO SO:

13 1. THE LOCAL GOVERNMENT SHALL ENACT AND
14 IMPLEMENT THE REMEDY WITHIN 150 DAYS AFTER RECEIPT OF THE NOTIFICATION
15 LETTER; AND

16 2. THE PARTY WHO SUBMITTED THE NOTIFICATION
17 LETTER UNDER THIS SECTION MAY NOT FILE AN ACTION AGAINST THE LOCAL
18 GOVERNMENT WITHIN THE 150 DAYS ALLOWED UNDER ITEM 1 OF THIS
19 SUBPARAGRAPH.

20 (5) (I) IF, UNDER THE LAWS OF THE STATE OR ANY CODE HOME
21 RULE OR CHARTER COUNTY ORDINANCE, THE GOVERNING BODY OF A LOCAL
22 GOVERNMENT LACKS AUTHORITY TO ENACT OR IMPLEMENT A REMEDY IDENTIFIED
23 UNDER PARAGRAPH (4)(III) OF THIS SUBSECTION WITHIN 150 DAYS FROM THE
24 SUBMISSION OF THE NOTIFICATION LETTER, OR THE LOCAL GOVERNMENT IS A
25 COVERED JURISDICTION UNDER A STATE OR FEDERAL PRECLEARANCE PROGRAM,
26 THE LOCAL GOVERNMENT MAY NONETHELESS ENACT AND IMPLEMENT A PROPOSED
27 REMEDY ON APPROVAL BY THE ATTORNEY GENERAL UNDER SUBPARAGRAPH (II)
28 OF THIS PARAGRAPH.

29 (II) THE ATTORNEY GENERAL MAY AUTHORIZE THE LOCAL
30 GOVERNMENT TO IMPLEMENT OR ENACT A REMEDY NOTWITHSTANDING THE
31 APPLICABLE LAW OR AUTHORITY TO THE CONTRARY IF:

32 1. THE ATTORNEY GENERAL DETERMINES THAT THE
33 LOCAL GOVERNMENT MAY BE IN VIOLATION OF THE PROVISIONS OF THIS TITLE;

34 2. THE PROPOSED REMEDY WOULD ADDRESS A

1 **(5) IN ACCORDANCE WITH THE ORDINARY RULES OF CIVIL**
2 **PROCEDURE:**

3 **(I) ISSUE SUBPOENAS; AND**

4 **(II) OTHERWISE COMPEL THE PRODUCTION OF RECORDS,**
5 **BOOKS, PAPERS, CONTRACTS, AND OTHER DOCUMENTS.**

6 **15.5-302.**

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

10 **(B) IF A PARTY SEEKING PRELIMINARY RELIEF ALLEGES A VIOLATION OF**
11 **THIS TITLE THAT RELATES TO AN UPCOMING ELECTION, THE COURT SHALL GRANT**
12 **RELIEF IF IT DETERMINES THAT:**

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

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

17 **SUBTITLE 4. COSTS AND FEES.**

18 **15.5-401.**

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

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

27 **(2) IF THE STATE OR LOCAL GOVERNMENT PREVAILS IN AN ACTION**
28 **UNDER THIS TITLE, THE COURT MAY NOT AWARD THE STATE OR LOCAL**
29 **GOVERNMENT ANY COSTS UNLESS THE COURT FINDS THE ACTION TO BE**
30 **FRIVOLOUS.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 January 1, 2026.