

SENATE BILL 342

G1
SB 413/22 – EHE

5lr2168

By: ~~Senator Sydnor~~ Senators Sydnor, Ferguson, Augustine, Attar, Beidle, Benson, Brooks, Charles, Ellis, Feldman, Gile, Guzzone, Hayes, Henson, Hester, Hettleman, C. Jackson, M. Jackson, Kagan, King, Kramer, Lam, Lewis Young, Love, McCray, Muse, Rosapepe, Smith, Waldstreicher, A. Washington, M. Washington, Watson, and Zucker

Introduced and read first time: January 16, 2025

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 26, 2025

CHAPTER _____

1 AN ACT concerning

2 **Voting Rights Act of 2025 – Counties and ~~Municipalities~~ Municipal Corporations**

3 FOR the purpose of prohibiting the imposition or application of a method for electing the
4 governing body of a county or ~~municipality~~ municipal corporation that impairs the
5 ability of members of a protected class to elect candidates of the members' choice or
6 influence the outcome of an election by diluting or abridging the rights of voters who
7 are members of a protected class; providing for the application of this Act if a court
8 issues a certain holding; and generally relating to voting rights of members of
9 protected classes in counties and ~~municipalities~~ municipal corporations.

10 BY adding to

11 Article – Election Law

12 Section 8–901 through ~~8–905~~ 8–906 to be under the new subtitle “Subtitle 9. Voting
13 Rights – Counties and Municipal Corporations”

14 Annotated Code of Maryland

15 (2022 Replacement Volume and 2024 Supplement)

16 ~~BY adding to~~

17 ~~Article – Local Government~~

18 ~~Section 4–601 through 4–605 to be under the new subtitle “Subtitle 6. Voting Rights~~
19 ~~– Municipalities”~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~Annotated Code of Maryland~~
~~(2013 Volume and 2024 Supplement)~~

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

Article – Election Law

SUBTITLE 9. VOTING RIGHTS – COUNTIES AND MUNICIPAL CORPORATIONS.

8–901.

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

(B) “POLARIZED VOTING” MEANS VOTING IN WHICH THERE IS A DIFFERENCE, AS DEFINED IN FEDERAL CASE LAW REGARDING ENFORCEMENT OF THE FEDERAL VOTING RIGHTS ACT OF 1965, IN THE CHOICE OF CANDIDATES OR OTHER ELECTORAL CHOICES THAT ARE PREFERRED BY VOTERS IN A PROTECTED CLASS AND IN THE CHOICE OF CANDIDATES AND ELECTORAL CHOICES THAT ARE PREFERRED BY VOTERS IN THE REST OF THE ELECTORATE.

(C) “PROTECTED CLASS” MEANS A CLASS OF VOTERS WHO ARE MEMBERS OF A RACE, COLOR, OR LANGUAGE MINORITY GROUP, AS THIS CLASS IS REFERENCED AND DEFINED IN THE FEDERAL VOTING RIGHTS ACT OF 1965 AND IN RELATED FEDERAL CASE LAW.

8–902.

(A) THIS SUBTITLE APPLIES ONLY TO ELECTIONS IN A COUNTY OR MUNICIPAL CORPORATION.

(B) THIS SUBTITLE DOES NOT APPLY TO STATEWIDE ELECTIONS.

8–903.

(A) A METHOD FOR ELECTING THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY NOT BE IMPOSED OR APPLIED IN A MANNER THAT IMPAIRS THE ABILITY OF MEMBERS OF A PROTECTED CLASS TO ELECT CANDIDATES OF THE MEMBERS’ CHOICE OR THE MEMBERS’ ABILITY TO INFLUENCE THE OUTCOME OF AN ELECTION AS A RESULT OF THE DILUTION OR THE ABRIDGEMENT OF THE RIGHTS OF VOTERS WHO ARE MEMBERS OF A PROTECTED CLASS.

(B) A VIOLATION OF SUBSECTION (A) OF THIS SECTION IS ESTABLISHED IF:

1 (1) ELECTIONS IN A COUNTY OR MUNICIPAL CORPORATION EXHIBIT
2 POLARIZED VOTING; AND

3 (2) THE METHOD OF ELECTION DILUTES OR ABRIDGES THE VOTING
4 STRENGTH OF MEMBERS OF A PROTECTED CLASS TO ELECT A CANDIDATE OF THE
5 MEMBERS' CHOICE OR THE MEMBERS' ABILITY TO INFLUENCE THE OUTCOME OF AN
6 ELECTION, AS DEMONSTRATED BY THE EXISTENCE OF ONE OR MORE METHODS OF
7 ELECTION THAT COULD BE CONSTITUTIONALLY ADOPTED THAT WOULD LIKELY
8 MITIGATE THE DILUTION.

9 8-904.

10 (A) TO DETERMINE WHETHER THERE IS POLARIZED VOTING UNDER §
11 8-903(B)(1) OF THIS SUBTITLE, THE COURT SHALL CONSIDER:

12 (1) THE METHODOLOGIES FOR ESTIMATING GROUP VOTING
13 BEHAVIOR, AS APPROVED IN FEDERAL CASE LAW, TO ENFORCE THE FEDERAL
14 VOTING RIGHTS ACT OF 1965;

15 (2) ELECTIONS OF THE GOVERNING BODY OF THE COUNTY OR
16 MUNICIPAL CORPORATION;

17 (3) BALLOT QUESTION ELECTIONS;

18 (4) ELECTIONS WHERE AT LEAST ONE CANDIDATE IS A MEMBER OF A
19 PROTECTED CLASS; AND

20 (5) OTHER ELECTORAL CHOICES THAT AFFECT THE RIGHTS AND
21 PRIVILEGES OF MEMBERS OF A PROTECTED CLASS.

22 (B) (1) ELECTIONS THAT ARE CONDUCTED BEFORE THE FILING OF AN
23 ACTION TO ENFORCE § 8-903(A) OF THIS SUBTITLE ARE MORE PROBATIVE TO
24 ESTABLISH THE EXISTENCE OF POLARIZED VOTING THAN ELECTIONS CONDUCTED
25 AFTER THE FILING OF AN ACTION.

26 (2) THE ELECTION OF CANDIDATES WHO ARE MEMBERS OF A
27 PROTECTED CLASS AND WHO WERE ELECTED BEFORE THE FILING OF AN ACTION TO
28 ENFORCE § 8-903(A) OF THIS SUBTITLE MAY NOT PRECLUDE A FINDING OF
29 POLARIZED VOTING THAT RESULTS IN AN UNEQUAL OPPORTUNITY FOR A
30 PROTECTED CLASS TO ELECT CANDIDATES OF THE MEMBERS' CHOICE.

31 (C) THE FACT THAT MEMBERS OF A PROTECTED CLASS ARE NOT
32 GEOGRAPHICALLY COMPACT OR CONCENTRATED MAY NOT PRECLUDE A FINDING OF

1 POLARIZED VOTING OR A VIOLATION OF § 8-903(A) OF THIS SUBTITLE, BUT IT MAY
2 BE A FACTOR THAT IS CONSIDERED IN DETERMINING AN APPROPRIATE REMEDY.

3 8-905.

4 IN DETERMINING WHETHER A VIOLATION OF § 8-903(A) OF THIS SUBTITLE
5 HAS OCCURRED WITH RESPECT TO A PROTECTED CLASS, THE COURT MAY CONSIDER
6 EVIDENCE RELEVANT TO WHETHER PROTECTED CLASS MEMBERS ARE VULNERABLE
7 TO OR OTHERWISE AT RISK OF VOTING DISCRIMINATION, INCLUDING:

8 (1) THE HISTORY AND EFFECTS OF DISCRIMINATION; AND

9 (2) THE EXTENT TO WHICH PROTECTED CLASS MEMBERS ENCOUNTER
10 BARRIERS, DISPARITIES, OR HOSTILITY REGARDING POLITICAL PARTICIPATION
11 AND CIVIC LIFE.

12 8-906.

13 (A) ~~A~~ THE OFFICE OF THE ATTORNEY GENERAL AND ANY OTHER PERSON
14 MAY BRING AN ACTION TO ENFORCE § 8-903 OF THIS SUBTITLE IN THE COUNTY
15 WHERE THE VIOLATION ALLEGEDLY OCCURRED FOR INJUNCTIVE RELIEF,
16 DAMAGES, OR OTHER RELIEF.

17 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE COURT
18 FINDS A VIOLATION OF THIS SUBTITLE, THE COURT SHALL HAVE BROAD AUTHORITY
19 TO OTHER APPROPRIATE REMEDIES THAT ARE TAILORED TO ADDRESS THE
20 VIOLATION.

21 (2) A COURT MAY NOT ORDER THE ADOPTION OF A METHOD OF
22 ELECTION THAT IS INCONSISTENT WITH THE METHODS OF ELECTIONS IN USE IN
23 COUNTIES IN THE STATE WITHOUT THE CONSENT OF THE RELEVANT JURISDICTION.

24 (C) (1) THE COURT SHALL CONSIDER REMEDIES PROPOSED BY ANY
25 PARTIES TO THE ACTION OR INTERESTED PARTIES.

26 (2) THE COURT MAY NOT GIVE DEFERENCE OR PRIORITY TO A
27 PROPOSED REMEDY BECAUSE IT IS PROPOSED BY A COUNTY OR MUNICIPAL
28 CORPORATION.

29 (D) A COURT MAY GRANT PRELIMINARY RELIEF REQUESTED UNDER THIS
30 SECTION REGARDING AN UPCOMING ELECTION IF THE COURT DETERMINES:

31 (1) THAT THE PARTY IS MORE LIKELY THAN NOT TO SUCCEED ON THE
32 MERITS; AND

1 (2) IT IS POSSIBLE TO IMPLEMENT AN APPROPRIATE REMEDY THAT
2 WOULD RESOLVE THE VIOLATION ALLEGED UNDER THIS SECTION BEFORE THE
3 ELECTION.

4 ~~Article Local Government~~

5 ~~SUBTITLE 6. VOTING RIGHTS MUNICIPALITIES.~~

6 ~~4-601.~~

7 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
8 ~~INDICATED.~~

9 ~~(B) "POLARIZED VOTING" MEANS VOTING IN WHICH THERE IS A~~
10 ~~DIFFERENCE, AS DEFINED IN FEDERAL CASE LAW REGARDING ENFORCEMENT OF~~
11 ~~THE FEDERAL VOTING RIGHTS ACT OF 1965, IN THE CHOICE OF CANDIDATES OR~~
12 ~~OTHER ELECTORAL CHOICES THAT ARE PREFERRED BY VOTERS IN A PROTECTED~~
13 ~~CLASS AND IN THE CHOICE OF CANDIDATES AND ELECTORAL CHOICES THAT ARE~~
14 ~~PREFERRED BY VOTERS IN THE REST OF THE ELECTORATE.~~

15 ~~(C) "PROTECTED CLASS" MEANS A CLASS OF VOTERS WHO ARE MEMBERS~~
16 ~~OF A RACE, COLOR, OR LANGUAGE MINORITY GROUP, AS THIS CLASS IS REFERENCED~~
17 ~~AND DEFINED IN THE FEDERAL VOTING RIGHTS ACT OF 1965 AND IN RELATED~~
18 ~~FEDERAL CASE LAW.~~

19 ~~4-602.~~

20 ~~THIS SUBTITLE APPLIES ONLY TO ELECTIONS IN A MUNICIPALITY.~~

21 ~~4-603.~~

22 ~~(A) A METHOD FOR ELECTING THE GOVERNING BODY OF A MUNICIPALITY~~
23 ~~MAY NOT BE IMPOSED OR APPLIED IN A MANNER THAT IMPAIRS THE ABILITY OF~~
24 ~~MEMBERS OF A PROTECTED CLASS TO ELECT CANDIDATES OF THE MEMBERS'~~
25 ~~CHOICE OR THE MEMBERS' ABILITY TO INFLUENCE THE OUTCOME OF AN ELECTION~~
26 ~~AS A RESULT OF THE DILUTION OR THE ABRIDGEMENT OF THE RIGHTS OF VOTERS~~
27 ~~WHO ARE MEMBERS OF A PROTECTED CLASS.~~

28 ~~(B) A VIOLATION OF SUBSECTION (A) OF THIS SECTION IS ESTABLISHED IF:~~

29 ~~(1) ELECTIONS IN A MUNICIPALITY EXHIBIT POLARIZED VOTING; AND~~

1 ~~(2) THE METHOD OF ELECTION DILUTES OR ABRIDGES THE VOTING~~
2 ~~STRENGTH OF MEMBERS OF A PROTECTED CLASS TO ELECT A CANDIDATE OF THE~~
3 ~~MEMBERS' CHOICE OR THE MEMBERS' ABILITY TO INFLUENCE THE OUTCOME OF AN~~
4 ~~ELECTION.~~

5 ~~4-604.~~

6 ~~(A) TO DETERMINE WHETHER THERE IS POLARIZED VOTING UNDER §~~
7 ~~4-603(B)(1) OF THIS SUBTITLE, THE COURT SHALL CONSIDER:~~

8 ~~(1) THE METHODOLOGIES FOR ESTIMATING GROUP VOTING~~
9 ~~BEHAVIOR, AS APPROVED IN FEDERAL CASE LAW, TO ENFORCE THE FEDERAL~~
10 ~~VOTING RIGHTS ACT OF 1965;~~

11 ~~(2) ELECTIONS OF THE GOVERNING BODY OF THE MUNICIPALITY;~~

12 ~~(3) BALLOT QUESTION ELECTIONS;~~

13 ~~(4) ELECTIONS WHERE AT LEAST ONE CANDIDATE IS A MEMBER OF A~~
14 ~~PROTECTED CLASS; AND~~

15 ~~(5) OTHER ELECTORAL CHOICES THAT AFFECT THE RIGHTS AND~~
16 ~~PRIVILEGES OF MEMBERS OF A PROTECTED CLASS.~~

17 ~~(B) (1) ELECTIONS THAT ARE CONDUCTED BEFORE THE FILING OF AN~~
18 ~~ACTION TO ENFORCE § 4-603(A) OF THIS SUBTITLE ARE MORE PROBATIVE TO~~
19 ~~ESTABLISH THE EXISTENCE OF POLARIZED VOTING THAN ELECTIONS CONDUCTED~~
20 ~~AFTER THE FILING OF AN ACTION.~~

21 ~~(2) THE ELECTION OF CANDIDATES WHO ARE MEMBERS OF A~~
22 ~~PROTECTED CLASS AND WHO WERE ELECTED BEFORE THE FILING OF AN ACTION TO~~
23 ~~ENFORCE § 4-603(A) OF THIS SUBTITLE MAY NOT PRECLUDE A FINDING OF~~
24 ~~POLARIZED VOTING THAT RESULTS IN AN UNEQUAL OPPORTUNITY FOR A~~
25 ~~PROTECTED CLASS TO ELECT CANDIDATES OF THE MEMBERS' CHOICE.~~

26 ~~(C) THE FACT THAT MEMBERS OF A PROTECTED CLASS ARE NOT~~
27 ~~GEOGRAPHICALLY COMPACT OR CONCENTRATED MAY NOT PRECLUDE A FINDING OF~~
28 ~~POLARIZED VOTING OR A VIOLATION OF § 4-603(A) OF THIS SUBTITLE, BUT IT MAY~~
29 ~~BE A FACTOR THAT IS CONSIDERED.~~

30 ~~4-605.~~

1 ~~A PERSON MAY BRING AN ACTION TO ENFORCE § 4-603 OF THIS SUBTITLE IN~~
2 ~~THE MUNICIPALITY WHERE THE VIOLATION ALLEGEDLY OCCURRED FOR~~
3 ~~INJUNCTIVE RELIEF, DAMAGES, OR OTHER RELIEF.~~

4 SECTION 2. AND BE IT FURTHER ENACTED, That, if a court issues a holding
5 that affects the application of a provision of this Act, the ruling does not affect other
6 provisions or any other application of this Act that can be given effect without the affected
7 provision or application, and for this purpose the provisions of this Act are declared
8 severable.

9 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.