

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 342

(Senator Sydnor, *et al.*)

Education, Energy, and the Environment

Ways and Means

Voting Rights Act of 2025 - Counties and Municipal Corporations

This bill (1) establishes a specified prohibition against the impairment of the ability of members of a protected class (members of a race, color, or language minority group) to elect candidates of their choice in elections in a county or municipality, or to influence the outcome of such elections; (2) includes factors, considerations, and criteria related to the establishment of a violation of the prohibition; (3) authorizes the Office of the Attorney General (OAG) or any other person to bring an action to enforce the prohibition in the county or municipality where the alleged violation occurred; and (4) gives the court specified authority to order remedies. The bill does not apply to statewide elections.

Fiscal Summary

State Effect: OAG's enforcement responsibility is assumed to be handled with existing resources; however, additional resources may be needed if a significant amount of enforcement activity occurs.

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

Small Business Effect: None.

Analysis

Bill Summary: The bill prohibits the imposition or application of a method for electing the governing body of a county or municipality in a manner that impairs the ability of members of a protected class to elect candidates of the members' choice, or the members' ability to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of a protected class.

A violation of the prohibition is established if (1) elections in a county or municipality exhibit polarized voting and (2) the method of election dilutes or abridges the voting strength of members of a protected class to elect a candidate of the members' choice or the members' ability to influence the outcome of an election, as demonstrated by the existence of one or more methods of election that could be constitutionally adopted that would likely mitigate the dilution.

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

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

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

If a court finds a violation of the bill's prohibition, the court must have broad authority to order appropriate remedies that are tailored to address the violation. However, a court may not order the adoption of a method of election that is inconsistent with the methods of elections in use in counties in the State without consent of the relevant jurisdiction. The court must consider remedies proposed by any parties to the action or interested parties and may not give deference or priority to a proposed remedy because it is proposed by a county or municipality. A court may grant preliminary relief requested regarding an upcoming election if the court determines (1) that the party is more likely than not to succeed on the merits and (2) it is possible to implement an appropriate remedy that would resolve the alleged violation before the election.

The bill's provisions are declared severable so that a court holding that affects the application of a provision of the bill does not affect other provisions or any other application of the bill that can be given effect without the affected provision or application.

Current Law: Under [Section 2](#) of the federal Voting Rights Act of 1965, no voting qualification or prerequisite to voting or standard, practice, or procedure may be imposed or applied by any State or political subdivision in a manner that results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or

color, or status as a member of a language minority group. A violation of that prohibition is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by the prohibition in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 413 of 2022.

Designated Cross File: None.

Information Source(s): Baltimore, Carroll, Harford, and St. Mary's counties; cities of Annapolis and Frederick; Maryland Municipal League; Judiciary (Administrative Office of the Courts); Maryland State Board of Elections; Department of Legislative Services

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