

Chapter 157

**(Senate Bill 255)**

AN ACT concerning

**Voting Rights Act of 2026 – Counties and Municipal Corporations**

FOR the purpose of prohibiting the imposition or application of a method for electing the governing body of a county or municipal corporation that impairs the ability of members of a protected class to elect candidates of the members' choice or influence the outcome of an election by diluting or abridging the rights of voters who are members of a protected class; and generally relating to voting rights of members of protected classes in elections in counties and municipal corporations.

BY adding to

Article – Election Law

Section 15.7–101 through 15.7–107 to be under the new title “Title 15.7. Voting Rights – Counties and Municipal Corporations”

Annotated Code of Maryland

(2022 Replacement Volume and 2025 Supplement)

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

**Article – Election Law**

**TITLE 15.7. VOTING RIGHTS – COUNTIES AND MUNICIPAL CORPORATIONS.**

**15.7–101.**

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

**(B) “POLARIZED VOTING” MEANS VOTING IN WHICH THERE IS A DIFFERENCE 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 ANOTHER CLASS OR SET OF CLASSES.**

**(C) “PROTECTED CLASS” MEANS A CLASS OF VOTERS WHO ARE MEMBERS OF A RACE, COLOR, OR LANGUAGE MINORITY GROUP OR A CLASS OF TWO OR MORE OF THOSE GROUPS.**

**15.7–102.**

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

**(B) THIS TITLE DOES NOT APPLY TO STATEWIDE ELECTIONS.**

**15.7–103.**

**(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) ELECTIONS IN A COUNTY OR MUNICIPAL CORPORATION 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.**

**15.7–104.**

**(A) TO DETERMINE WHETHER THERE IS POLARIZED VOTING UNDER § 15.7–103(B)(1) OF THIS TITLE, THE COURT SHALL CONSIDER:**

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

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

**(3) BALLOT QUESTION ELECTIONS;**

**(4) ELECTIONS IN WHICH AT LEAST ONE CANDIDATE IS A MEMBER OF A PROTECTED CLASS; AND**

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

**(B) (1) ELECTIONS THAT ARE CONDUCTED BEFORE THE FILING OF AN ACTION TO ENFORCE § 15.7-103(A) OF THIS TITLE ARE MORE PROBATIVE TO ESTABLISH THE EXISTENCE OF POLARIZED VOTING THAN ELECTIONS CONDUCTED AFTER THE FILING OF AN ACTION.**

**(2) THE FOLLOWING MAY NOT PRECLUDE A FINDING OF POLARIZED VOTING THAT RESULTS IN AN UNEQUAL OPPORTUNITY FOR A PROTECTED CLASS TO ELECT CANDIDATES OF THE MEMBERS' CHOICE:**

**(I) THE ELECTION OF CANDIDATES WHO ARE MEMBERS OF A PROTECTED CLASS AND WHO WERE ELECTED BEFORE THE FILING OF AN ACTION TO ENFORCE § 15.7-103(A) OF THIS TITLE;**

**(II) NONQUANTITATIVE OR NONSTATISTICAL EVIDENCE; OR**

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

**(3) TO ESTABLISH THE EXISTENCE OF POLARIZED VOTING, THE COURT MAY NOT BE REQUIRED TO:**

**(I) USE A SET NUMBER OR COMBINATION OF ELECTIONS; OR**

**(II) CONSIDER THE CAUSES OF OR REASONS FOR POLARIZED VOTING, INCLUDING PARTISAN EXPLANATIONS OR DISCRIMINATORY INTENT.**

**(C) THE FACT THAT MEMBERS OF A PROTECTED CLASS ARE NOT GEOGRAPHICALLY COMPACT OR CONCENTRATED MAY NOT PRECLUDE A FINDING OF POLARIZED VOTING OR A VIOLATION OF § 15.7-103(A) OF THIS TITLE, BUT IT MAY BE A FACTOR THAT IS CONSIDERED IN DETERMINING AN APPROPRIATE REMEDY.**

**15.7-105.**

**IN DETERMINING WHETHER A VIOLATION OF § 15.7-103(A) OF THIS TITLE HAS OCCURRED WITH RESPECT TO A PROTECTED CLASS, THE COURT MAY CONSIDER EVIDENCE RELEVANT TO WHETHER PROTECTED CLASS MEMBERS ARE VULNERABLE TO OR OTHERWISE AT RISK OF VOTING DISCRIMINATION, INCLUDING:**

**(1) THE HISTORY AND EFFECTS OF DISCRIMINATION AGAINST THE PROTECTED CLASS; AND**

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

**15.7–106.**

**(A) THE OFFICE OF THE ATTORNEY GENERAL AND ANY OTHER PERSON MAY BRING AN ACTION TO ENFORCE § 15.7–103 OF THIS TITLE IN THE COUNTY WHERE THE VIOLATION ALLEGEDLY OCCURRED FOR INJUNCTIVE RELIEF, DAMAGES, OR OTHER RELIEF.**

**(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE COURT FINDS A VIOLATION OF THIS TITLE, THE COURT SHALL HAVE BROAD AUTHORITY TO ORDER APPROPRIATE REMEDIES THAT ARE TAILORED TO ADDRESS THE VIOLATION.**

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

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

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

**(D) A COURT MAY GRANT PRELIMINARY RELIEF REQUESTED UNDER THIS SECTION 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 VIOLATION ALLEGED UNDER THIS SECTION BEFORE THE ELECTION.**

**15.7–107.**

**(A) IN AN ACTION TO ENFORCE THIS TITLE, THE COURT MAY AWARD REASONABLE ATTORNEY’S FEES AND LITIGATION COSTS, INCLUDING EXPERT WITNESS FEES AND EXPENSES TO A PRIVATE PLAINTIFF THAT PREVAILED IN THE ACTION.**

**(B) A PRIVATE PLAINTIFF WILL BE DEEMED TO HAVE PREVAILED IN AN ACTION WHEN, AS A RESULT OF THE ACTION, THE COUNTY OR MUNICIPAL CORPORATION YIELDS SOME OR ALL OF THE RELIEF SOUGHT IN THE ACTION.**

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

**Approved by the Governor, April 28, 2026.**