

# HOUSE BILL 219

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EMERGENCY BILL  
(PRE-FILED)

6lr1575

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By: **Delegate Smith**

Requested: October 31, 2025

Introduced and read first time: January 14, 2026

Assigned to: Government, Labor, and Elections

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Voting Rights Act of 2026 – Voter Intimidation and Suppression**

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 acts of intimidation,  
6 deception, or obstruction that interfere with the right to vote; prohibiting local  
7 governments from taking any action related to the election process that results in a  
8 disparity between members of a protected class and other members of the electorate;  
9 authorizing certain persons to file an action to enforce this Act; requiring a court to  
10 order certain remedies for a violation of this Act; establishing certain notice  
11 requirements for local governments before implementing certain changes relating to  
12 the election process and for certain parties before filing a certain action; authorizing  
13 the Attorney General to approve proposed local government remedies to address  
14 certain violations under certain circumstances; and generally relating to voting  
15 rights.

16 BY repealing and reenacting, without amendments,  
17 Article – Election Law  
18 Section 1–101(a)  
19 Annotated Code of Maryland  
20 (2022 Replacement Volume and 2025 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Election Law  
23 Section 1–101(b–3) and 1–305  
24 Annotated Code of Maryland  
25 (2022 Replacement Volume and 2025 Supplement)

26 BY adding to  
27 Article – Election Law

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 15.3–101 through 15.3–501 to be under the new title “Title 15.3. Voting Rights Act – Voter Intimidation and Suppression”  
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**

1–101.

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

(b–3) “Administrative policy affecting voting rights” means any action relating to voter registration, provisional voting, absentee voting, [or] the location of a polling place or early voting center, **OR ASSISTANCE AVAILABLE TO VOTERS, INCLUDING:**

**(1) LANGUAGE ASSISTANCE;**

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

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

1–305.

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

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

(b) If the State Board [or], a local board, **OR A MUNICIPAL CORPORATION THAT**

1 **ADMINISTERS ITS OWN ELECTIONS** adopts a change in an administrative policy affecting  
2 voting rights, the State Board and, if applicable, the local board **OR THE MUNICIPAL**  
3 **CORPORATION** that adopted the change shall provide reasonable public notice of the  
4 change as provided in subsection (c) of this section **WITHIN 48 HOURS AFTER THE**  
5 **ADOPTION OF THE CHANGE.**

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

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

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

10 (i) State Board; and

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

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

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

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

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

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

27 **TITLE 15.3. VOTING RIGHTS ACT – VOTER INTIMIDATION AND SUPPRESSION.**

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

29 **15.3–101.**

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

1 INDICATED UNLESS A DIFFERENT MEANING IS CLEARLY INTENDED FROM THE  
2 CONTEXT.

3 (B) "ATTORNEY GENERAL" MEANS THE ATTORNEY GENERAL AND THE  
4 OFFICE OF THE ATTORNEY GENERAL.

5 (C) "COURT" MEANS THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY.

6 (D) "DISPARITY" MEANS VARIANCE THAT IS SUPPORTED BY VALIDATED  
7 METHODOLOGIES AND, WHERE RELEVANT, IS STATISTICALLY SIGNIFICANT.

8 (E) "ELECTION POLICY OR PRACTICE" MEANS:

9 (1) A VOTING QUALIFICATION OR PREREQUISITE TO VOTING; OR

10 (2) A LAW, AN ORDINANCE, A RESOLUTION, A CHARTER OR CODE  
11 PROVISION, A REGULATION, A RULE, A POLICY, A PRACTICE, A PROCEDURE, A  
12 STANDARD, OR AN ACTION WITH RESPECT TO VOTING OR THE ADMINISTRATION OF  
13 ELECTIONS.

14 (F) "GOVERNING BODY" MEANS:

15 (1) FOR BALTIMORE CITY, THE CITY COUNCIL OF BALTIMORE CITY;

16 (2) FOR A CHARTER COUNTY, THE COUNTY COUNCIL;

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

18 (4) FOR A COMMISSION COUNTY, THE COUNTY COMMISSIONERS;

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

21 (6) FOR A COUNTY BOARD OF EDUCATION, THE ELECTED VOTING  
22 MEMBERS OF THE COUNTY BOARD OF EDUCATION.

23 (G) "LOCAL GOVERNMENT" MEANS:

24 (1) A MUNICIPALITY OR COUNTY, AS THOSE TERMS ARE DEFINED IN §  
25 1-101 OF THE LOCAL GOVERNMENT ARTICLE; OR

26 (2) A COUNTY BOARD OF EDUCATION, AS DEFINED IN § 1-101 OF THE  
27 EDUCATION ARTICLE.

(H) "PROTECTED CLASS" MEANS A CLASS OF CITIZENS WHO ARE MEMBERS OF A RACE, COLOR, OR LANGUAGE MINORITY GROUP, INCLUDING A CLASS COMPOSED OF MEMBERS OF TWO OR MORE MINORITY GROUPS.

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

(1) REGISTERING TO VOTE;

(2) REQUESTING A MAIL-IN BALLOT; AND

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

15.3-102.

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

(1) PROTECTING THE RIGHT TO CAST A BALLOT;

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

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

15.3-103.

TO THE EXTENT THAT THE COURT IS AFFORDED DISCRETION IN ANY QUESTION, INCLUDING QUESTIONS RELATED TO DISCOVERY, PROCEDURE, ADMISSIBILITY OF EVIDENCE, AND REMEDIES, THE COURT SHALL EXERCISE THE DISCRETION IN FAVOR OF:

(1) PROTECTING THE RIGHT TO CAST A BALLOT;

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

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

15.3-104.

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

SUBTITLE 2. PROHIBITION ON VOTER INTIMIDATION.

15.3-201.

A PERSON, WHETHER ACTING UNDER COLOR OF LAW OR OTHERWISE, MAY NOT ENGAGE IN ACTS OF INTIMIDATION, DECEPTION, OR OBSTRUCTION THAT INTERFERE WITH AN INDIVIDUAL'S RIGHT TO VOTE.

15.3-202.

THE FOLLOWING SHALL CONSTITUTE A VIOLATION OF § 15.3-201 OF THIS SUBTITLE:

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

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

(3) THE OBSTRUCTION OF, IMPEDIMENT TO, OR OTHER INTERFERENCE WITH:

(I) ACCESS TO A POLLING PLACE, A BALLOT DROP BOX, OR AN OFFICE OR A PLACE OF BUSINESS OF AN ELECTION OFFICIAL; OR

(II) A VOTER IN A MANNER THAT CAUSES OR WILL REASONABLY HAVE THE EFFECT OF CAUSING ANY DELAY IN VOTING OR THE VOTING PROCESS.

1   **15.3–203.**

2           **A PERSON WHO VIOLATES THIS SUBTITLE OR WHO AIDS IN THE VIOLATION OF**  
3 **THIS SUBTITLE SHALL BE LIABLE FOR ANY DAMAGES AWARDED BY THE COURT,**  
4 **INCLUDING NOMINAL DAMAGES FOR ANY VIOLATION AND COMPENSATORY OR**  
5 **PUNITIVE DAMAGES FOR ANY WILLFUL VIOLATION.**

6                   **SUBTITLE 3. PROHIBITION ON VOTER SUPPRESSION.**

7   **15.3–301.**

8           **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A LOCAL GOVERNMENT**  
9 **OR GOVERNMENTAL ENTITY RESPONSIBLE FOR ELECTION ADMINISTRATION MAY**  
10 **NOT IMPLEMENT, IMPOSE, OR ENFORCE AN ELECTION POLICY OR PRACTICE, OR**  
11 **TAKE ANY OTHER ACTION OR FAIL TO TAKE ANY ACTION, THAT RESULTS IN, IS**  
12 **LIKELY TO RESULT IN, OR IS INTENDED TO RESULT IN A MATERIAL DISPARITY IN**  
13 **VOTER PARTICIPATION, ACCESS TO VOTING OPPORTUNITIES, OR THE OPPORTUNITY**  
14 **OR ABILITY TO PARTICIPATE IN THE POLITICAL PROCESS BETWEEN MEMBERS OF A**  
15 **PROTECTED CLASS AND OTHER MEMBERS OF THE ELECTORATE.**

16           **(B) A LOCAL GOVERNMENT OR GOVERNMENTAL ENTITY RESPONSIBLE FOR**  
17 **ELECTION ADMINISTRATION MAY NOT BE DETERMINED TO HAVE VIOLATED**  
18 **SUBSECTION (A) OF THIS SECTION IF THE LOCAL GOVERNMENT OR GOVERNMENTAL**  
19 **ENTITY DEMONSTRATES BY CLEAR AND CONVINCING EVIDENCE THAT:**

20                   **(1) THE ELECTION POLICY OR PRACTICE IS NECESSARY TO**  
21 **SIGNIFICANTLY FURTHER A COMPELLING INTEREST; AND**

22                   **(2) THERE IS NO ALTERNATIVE THAT RESULTS IN A SMALLER**  
23 **DISPARITY BETWEEN MEMBERS OF A PROTECTED CLASS AND OTHER MEMBERS OF**  
24 **THE ELECTORATE.**

25           **(C) IN DETERMINING WHETHER A VIOLATION OF THIS SUBTITLE HAS**  
26 **OCCURRED WITH RESPECT TO A PROTECTED CLASS, THE COURT SHALL, SUBJECT**  
27 **TO SUBSECTION (D) OF THIS SECTION, CONSIDER WHETHER PROTECTED CLASS**  
28 **MEMBERS ARE VULNERABLE TO OR OTHERWISE AT RISK OF VOTING**  
29 **DISCRIMINATION, INCLUDING BY EVALUATING:**

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

32                   **(2) THE EXTENT TO WHICH PROTECTED CLASS MEMBERS ENCOUNTER**  
33 **BARRIERS, DISPARITIES, OR HOSTILITY WITH RESPECT TO POLITICAL**

1 PARTICIPATION AND CIVIC LIFE.

2 (D) (1) IN DETERMINING WHETHER A VIOLATION OF THIS SUBTITLE HAS  
3 OCCURRED, THE COURT MAY NOT CONSIDER:

4 (I) THE NUMBER OF PROTECTED CLASS MEMBERS  
5 UNAFFECTED BY THE ELECTION POLICY OR PRACTICE;

6 (II) THE DEGREE TO WHICH THE ELECTION POLICY OR  
7 PRACTICE HAS A LONG PEDIGREE OR WAS IN WIDESPREAD USE AT SOME EARLIER  
8 DATE;

9 (III) THE USE OF AN IDENTICAL OR SIMILAR ELECTION POLICY  
10 OR PRACTICE IN OTHER STATES OR JURISDICTIONS;

11 (IV) THE AVAILABILITY OF OTHER FORMS OF VOTING  
12 UNIMPACTED BY THE ELECTION POLICY OR PRACTICE, UNLESS THE JURISDICTION  
13 IS SIMULTANEOUSLY EXPANDING THE OTHER PRACTICES TO ELIMINATE ANY  
14 DISPROPORTIONATE BURDEN IMPOSED BY THE ELECTION POLICY OR PRACTICE; OR

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

17 (2) EVIDENCE CONCERNING THE INTENT OF VOTERS, ELECTED  
18 OFFICIALS, OR PUBLIC OFFICIALS TO DISCRIMINATE AGAINST MEMBERS OF A  
19 PROTECTED CLASS IS NOT NECESSARY FOR THE COURT TO FIND A VIOLATION OF  
20 THIS SUBTITLE.

21 15.3-302.

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

24 (1) AN AGGRIEVED PERSON;

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

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

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



**(5) THE ATTORNEY GENERAL.**

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

**(I) PROVIDING ADDITIONAL TIME TO VOTE DURING AN ELECTION;**

**(II) ELIMINATION OF STAGGERED ELECTIONS SO THAT ALL MEMBERS OF THE GOVERNING BODY ARE ELECTED AT THE SAME TIME;**

**(III) ADDITIONAL VOTING HOURS OR DAYS;**

**(IV) ADDITIONAL POLLING LOCATIONS;**

**(V) ADDITIONAL MEANS OF VOTING, SUCH AS VOTING BY MAIL OR ADDITIONAL OPPORTUNITIES TO RETURN BALLOTS;**

**(VI) ORDERING OF SPECIAL ELECTIONS;**

**(VII) REQUIRING EXPANDED OPPORTUNITIES FOR THE ADMISSION OF VOTERS;**

**(VIII) REQUIRING ADDITIONAL VOTER EDUCATION;**

**(IX) THE RESTORATION OR ADDITION OF PERSONS TO THE STATEWIDE VOTER REGISTRATION LIST;**

**(X) PREVENTING THE REORGANIZATION, ANNEXATION, INCORPORATION, DISSOLUTION, CONSOLIDATION, OR DIVISION OF A LOCAL GOVERNMENT; OR**

**(XI) RETAINING JURISDICTION FOR A PERIOD OF TIME DETERMINED APPROPRIATE BY THE COURT.**

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

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

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

**15.3-303.**

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

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

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

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

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

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

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

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

(II) TAKING APPROPRIATE STEPS TO PROVIDE MEANINGFUL NOTICE OF THE PROPOSED CHANGE TO RESIDENTS WITH DISABILITIES AND

1 RESIDENTS WITH LIMITED ENGLISH PROFICIENCY; AND

2 (III) SUBMITTING THE TEXT OF THE PROPOSED CHANGE TO THE  
3 STATE BOARD.

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

7 (B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, BEFORE  
8 FILING AN ACTION AGAINST A LOCAL GOVERNMENT UNDER THIS SUBTITLE, A PARTY  
9 DESCRIBED IN § 15.3-302(A) OF THIS SUBTITLE SHALL SEND BY CERTIFIED MAIL,  
10 RETURN RECEIPT REQUESTED, A NOTIFICATION LETTER TO THE LOCAL  
11 GOVERNMENT:

12 (I) ASSERTING THAT THE LOCAL GOVERNMENT MAY BE IN  
13 VIOLATION OF THE PROVISIONS OF THIS SUBTITLE;

14 (II) IDENTIFYING THE POTENTIAL VIOLATIONS;

15 (III) IDENTIFYING THE AFFECTED PROTECTED CLASS; AND

16 (IV) IDENTIFYING THE TYPE OF REMEDY THAT THE PARTY  
17 BELIEVES WILL ADDRESS THE ALLEGED VIOLATIONS.

18 (2) THE PARTY MAY NOT FILE AN ACTION UNDER THIS SUBTITLE  
19 UNTIL 60 DAYS AFTER SENDING A NOTIFICATION LETTER TO THE LOCAL  
20 GOVERNMENT OR ON RECEIPT OF A WRITTEN DENIAL BY THE LOCAL GOVERNMENT,  
21 WHICHEVER IS EARLIER.

22 (3) A NOTIFICATION LETTER IS NOT REQUIRED IF:

23 (I) THE PARTY IS SEEKING PRELIMINARY RELIEF WITH  
24 RESPECT TO AN UPCOMING ELECTION IN ACCORDANCE WITH § 15.3-402(B) OF THIS  
25 TITLE;

26 (II) THE PARTY IS SEEKING TO INTERVENE IN OR JOIN AN  
27 EXISTING ACTION;

28 (III) ANOTHER PARTY HAS ALREADY SUBMITTED A  
29 NOTIFICATION LETTER ALLEGING A SUBSTANTIALLY SIMILAR VIOLATION AND THAT  
30 PARTY IS ELIGIBLE TO FILE AN ACTION UNDER THIS SUBTITLE;

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

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

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

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

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

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

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

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

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

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

1. THE ATTORNEY GENERAL DETERMINES THAT THE LOCAL GOVERNMENT MAY BE IN VIOLATION OF THIS SUBTITLE;

2. THE PROPOSED REMEDY WOULD ADDRESS A POTENTIAL VIOLATION;

3. THE PROPOSED REMEDY IS UNLIKELY TO VIOLATE THE U.S. CONSTITUTION OR ANY RELEVANT FEDERAL LAW; AND

4. THE IMPLEMENTATION OF THE PROPOSED REMEDY IS FEASIBLE.

(III) APPROVAL OF A REMEDY BY THE ATTORNEY GENERAL IS NOT A BAR TO AN ACTION TO CHALLENGE THE REMEDY.

(C) THE ATTORNEY GENERAL SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE, INCLUDING REGULATIONS TO:

(1) SPECIFY PROCEDURES AND ADMINISTRATIVE DEADLINES; AND

(2) PROVIDE FOR NOTICE AND COMMENT PROCEDURES THAT LOCAL GOVERNMENTS ARE REQUIRED TO FOLLOW BEFORE IMPLEMENTING REMEDIES UNDER THIS SUBTITLE.

**15.3–304.**

IF A LOCAL GOVERNMENT ENACTS OR IMPLEMENTS A REMEDY, THE PARTY THAT SENT A NOTIFICATION LETTER UNDER § 15.3–303(B) OF THIS SUBTITLE SHALL BE ENTITLED TO REIMBURSEMENT BY THE LOCAL GOVERNMENT FOR REASONABLE COSTS ASSOCIATED WITH PRODUCING AND SENDING THE NOTIFICATION LETTER AND ANY ACCOMPANYING EVIDENCE.

#### **SUBTITLE 4. JURISDICTION AND PROCEEDINGS.**

**15.3–401.**

IN AN ACTION OR INVESTIGATION TO ENFORCE THIS TITLE, THE ATTORNEY GENERAL MAY:

(1) ADMINISTER OATHS;

(2) EXAMINE WITNESSES UNDER OATH;

(3) RECEIVE ORAL AND DOCUMENTARY EVIDENCE;

(4) DETERMINE MATERIAL FACTS; AND

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

(I) ISSUE SUBPOENAS; AND

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

**15.3-402.**

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

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

(1) 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 IN THE UPCOMING ELECTION.

#### **SUBTITLE 5. COSTS AND FEES.**

**15.3-501.**

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

(B) (1) IF THE STATE OR LOCAL GOVERNMENT IS AN OPPOSING PARTY, A

1 PARTY WILL BE DEEMED TO HAVE PREVAILED IN AN ACTION WHEN, AS A RESULT OF  
2 THE ACTION, THE STATE OR LOCAL GOVERNMENT YIELDS SOME OR ALL OF THE  
3 RELIEF SOUGHT IN THE ACTION.

4 (2) IF THE STATE OR LOCAL GOVERNMENT PREVAILS IN AN ACTION  
5 UNDER THIS TITLE, THE COURT MAY NOT AWARD THE STATE OR LOCAL  
6 GOVERNMENT ANY COSTS UNLESS THE COURT FINDS THE ACTION TO BE  
7 FRIVOLOUS.

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