

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Enrolled

Senate Bill 255

(Senators Sydnor and Harris)

Education, Energy, and the Environment

Government, Labor, and Elections

Voting Rights Act of 2026 - Counties and Municipal Corporations

This emergency 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 or a class or two or more of those groups) to elect candidates of their choice in elections in a county or municipality, or to influence the outcome of such elections; (2) 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; (3) gives the court specified authority to order remedies and grant preliminary relief; and (4) includes factors, considerations, and criteria related to the establishment of a violation of the prohibition and determination of an appropriate remedy. The bill does not apply to statewide elections.

Fiscal Summary

State Effect: General fund expenditures may increase, to the extent OAG undertakes enforcement efforts pursuant to the bill, as discussed below. Revenues are not affected.

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

Small Business Effect: None.

Analysis

Bill Summary:

Prohibition

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.

“Protected Class” and “Polarized Voting”

“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. “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.

Enforcement Action May Be Brought by the Attorney General or Any Other Person

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

The bill authorizes the court to award reasonable attorney's fees and litigation costs in an action to enforce the bill's prohibition, including expert witness fees and expenses to a prevailing private plaintiff (that receives some or all of the relief sought as a result of the action).

Court-ordered Remedies

If a court finds a violation of the bill's prohibition, the court has 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 election 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.

Court May Grant Preliminary Relief

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.

Relevant Factors, Considerations, and Criteria

The bill establishes additional factors, considerations, and criteria relevant to establishing a violation of the prohibition, establishing whether elections in a county or municipality exhibit polarized voting, and determining an appropriate remedy. See §§ 15.7-104 and 15.7-105 of the bill.

Severability of the Bill's Provisions

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.

State Fiscal Effect: General fund expenditures may increase, to the extent OAG undertakes enforcement efforts pursuant to the bill. OAG advises that it requires one Assistant Attorney General (AAG) and funding to pay expert witness fees to pursue enforcement actions under the bill, resulting in general fund expenditures of \$242,704 in fiscal 2027, if the AAG starts in July 2026, with ongoing costs in future years. The

Department of Legislative Services advises, however, that it is unclear how enforcement of the bill will be balanced between private plaintiffs and OAG, and consequently what level of involvement OAG will have in enforcing the bill. It is also unclear how many local governments will be in violation of the bill's prohibition.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 342 of 2025.

Designated Cross File: HB 350 (Delegate Wims, *et al.*) - Government, Labor, and Elections.

Information Source(s): Baltimore City; Harford County; cities of Frederick and Havre de Grace; Office of the Attorney General; Judiciary (Administrative Office of the Courts); Maryland State Board of Elections; Department of Legislative Services

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