

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 219 (Delegate Smith)
Government, Labor, and Elections

Maryland Voting Rights Act of 2026 - Voter Intimidation and Suppression

This emergency bill establishes provisions prohibiting (1) voter intimidation, deception, or obstruction and (2) suppression of votes of members of a protected class (a class of citizens who are members of a race, color, or language minority group). The bill also modifies existing provisions requiring public notice of a change in administrative policy affecting voting rights to (1) make them applicable to municipalities and to actions relating to assistance available to voters and (2) to require greater advance notice of changes.

Fiscal Summary

State Effect: General fund expenditures increase by at least \$179,100 in FY 2027. Future years reflect ongoing costs. Revenues are not affected.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	179,100	163,600	171,100	178,700	186,500
Net Effect	(\$179,100)	(\$163,600)	(\$171,100)	(\$178,700)	(\$186,500)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local government expenditures may increase, beginning as early as FY 2026, as discussed below. Revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary:

Change in Administrative Policy Affecting Voting Rights

The bill modifies existing provisions that require the State Board of Elections (SBE) or a local board of elections to provide public notices regarding a change in administrative policy affecting voting rights by:

- making the provisions also applicable to a municipality that administers its own elections;
- modifying the definition of “administrative policy affecting voting rights” to include any action relating to assistance available to voters, including language assistance and assistance for voters with disabilities;
- replacing a requirement that notice be provided 48 hours prior to a meeting at which a change will be considered, with a requirement that reasonable public notice be provided at least 15 days before the date of the meeting (except during the period beginning 21 days before the first day of early voting, when 48-hour notice may be provided); and
- requiring SBE to maintain a page on its website that contains the notices and requiring a local board of elections or municipality to provide a copy of a notice to SBE to be included on SBE’s website.

Prohibition Against Voter Intimidation, Deception, or Obstruction

The bill prohibits a person, whether acting under color of law or otherwise, from engaging in acts of intimidation, deception, or obstruction that interfere with an individual’s right to vote. The bill establishes that the following constitute a violation of the prohibition:

- 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;
- 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
- the obstruction of, impediment to, or other interference with (1) access to a polling place, a ballot drop box, or an office or a place of business of an election official or (2) a voter in a manner that causes or will reasonably have the effect of causing any delay in voting or the voting process.

A person who violates the prohibition or who aids in the violation of the prohibition is liable for any damages awarded by the court, including nominal damages for any violation and compensatory or punitive damages for any willful violation.

Prohibition Against Suppression of Votes of Protected Class Members

The bill prohibits a local government or governmental entity responsible for election administration from implementing, imposing, or enforcing an election policy or practice, or taking any other action or failing to take any action, that results in, is likely to result in, or is intended to result in a material disparity in voter participation, access to voting opportunities, or the opportunity or ability to participate in the political process between members of a protected class and other members of the electorate.

The bill establishes that a local government or governmental entity responsible for election administration may not be determined to have violated that prohibition if the local government or governmental entity demonstrates by clear and convincing evidence that (1) the election policy or practice is necessary to significantly further a compelling interest, and (2) there is no alternative that results in a smaller disparity between members of a protected class and other members of the electorate.

“Election policy or practice” means (1) a voting qualification or prerequisite to voting or (2) a law, ordinance, resolution, charter or code provision, regulation, rule, policy, practice, procedure, standard, or action with respect to voting or the administration of elections.

“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.

“Local government” means a municipality or county, or a county board of education.

Parameters for Consideration of Factors and Evidence

The bill establishes specified parameters for the Circuit Court for Anne Arundel County’s consideration of factors and evidence in determining whether a violation has occurred.

Persons Authorized to File an Action

The bill authorizes the following persons to file an action in the Circuit Court for Anne Arundel County under the bill’s voter suppression provisions: (1) an aggrieved person; (2) an organization whose membership includes or is likely to include aggrieved persons; (3) an organization whose mission would be frustrated by a violation of the bill’s voter suppression provisions; (4) an organization that would expend resources in order to

fulfill its mission as a result of a violation of the bill's voter suppression provisions; or (5) the Attorney General.

Court-ordered Remedies

Notwithstanding any other law, if the Circuit Court for Anne Arundel County finds a violation of the bill's voter suppression provisions, the court must order appropriate specified 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. The court must consider remedies proposed by any parties to an action or by interested parties and may not give deference or priority to a proposed remedy because it is the remedy proposed by the local government.

The court has the power to require a local government to implement remedies that are inconsistent with any other provision of State or local law.

Local Government Notice of Changes

The bill requires a local government to provide specified notice to the public at least 15 days before a hearing to adopt any of the following changes:

- a change to the method of election for a local government;
- a governmental reorganization, including annexation, incorporation, dissolution, consolidation, or division of a local government;
- a change to district boundaries within a local government; and
- a charter amendment authorizing an administrative policy affecting voting rights.

If a local government adopts a resolution specifying the day and hours for a referendum on any of those changes, the local government must provide specified notice of the referendum in addition to any other notice required under State law, including submitting the text of the proposed change to SBE to publish on its website in the same manner as described above under *Change in Administrative Policy Affecting Voting Rights*.

Filing and Voluntary Remedy Procedures

The bill establishes procedures for (1) filing an action against a local government, including providing 60 days' advance notice to the local government, except under specified circumstances, and (2) a local government's response within 60 days, and, if the local government does not deny the potential violation, a 150-day period within which a local government – that adopts a resolution within 60 days of the notice affirming its intent to enact and implement a remedy – may implement a remedy without an action being filed.

Subject to specified criteria, the Attorney General may authorize implementation or enactment of a remedy within the 150-day period that a local government otherwise lacks authority to enact within that period due to State or local law or federal or State preclearance requirements.

The bill also requires the Attorney General to adopt regulations to carry out the bill's voter suppression provisions, 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.

If a local government enacts or implements a remedy, the party that sent the advance notice is entitled to reimbursement by the local government for reasonable costs of producing and sending the notification letter and any accompanying evidence.

Additional Authority of the Attorney General

In any action or investigation to enforce the bill's voter intimidation, deception, or obstruction provisions or voter suppression provisions, 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, issue subpoenas and otherwise compel the production of records, books, papers, contracts, and other documents.

Actions Brought

The bill establishes that actions brought under the bill's voter intimidation, deception, or obstruction provisions or voter suppression provisions must be subject to expedited pretrial and trial proceedings and receive an automatic calendar preference. If a party seeking preliminary relief alleges a violation of the bill's voter intimidation, deception, or obstruction provisions or voter suppression provisions that relates to an upcoming election, the Circuit Court for Anne Arundel County must 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.

The bill provides for awarding of reasonable attorney's fees and litigation costs in an action to enforce the bill's voter intimidation, deception, or obstruction provisions or voter suppression provisions, including (1) to a plaintiff, if the State or local government yields some or all of the relief sought, and (2) to the State or a local government, in an action in which it prevails, only if the court finds the action to be frivolous.

Interpretation of Law and Regulations Protecting the Right to Vote

The bill establishes that statutes, rules and regulations, and local laws, town charters, or ordinances related to the right to vote must 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 votes of eligible voters counted; and (3) ensuring that protected-class voters have equitable access to opportunities to register to vote and to vote.

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 must 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 their votes counted; and (3) ensuring that protected class voters have equitable access to opportunities to register to vote and to vote.

Severability

The bill establishes that if any of the bill's voter intimidation, deception, or obstruction provisions or voter suppression provisions or their 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 the provisions that can be given effect without the invalid provision or application.

Current Law:

Change in Administrative Policy Affecting Voting Rights

SBE or a local board of elections may not consider a change in an administrative policy affecting voting rights at a meeting unless the board has posted a prominent 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. If a change is adopted, SBE and, if applicable, the local board that adopts the change, must provide public notice of the change within 48 hours of its adoption. "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.

Prohibitions Against Voter Intimidation, Deception, or Obstruction

Federal law prohibits a person, whether acting under color of law or otherwise, from intimidating, threatening, coercing, or attempting to intimidate, threaten, or coerce a person for the purpose of interfering with the right of the person to vote, or to vote as they choose, or causing the person to vote for, or not to vote for, any candidate, in a federal election. If

any person has engaged in, or there are reasonable grounds to believe any person is about to engage in such conduct, the U.S. Attorney General may institute a civil action or other proper proceeding for preventive relief.

State law prohibits a person from willfully and knowingly:

- (1) influencing or attempting to influence a voters' voting decision through the use of force, threat, menace, intimidation, bribery, reward, or offer of reward;
- (2) influencing or attempting to influence a voter's decision whether to go to the polls to cast a vote, or vote by other lawful means, through the use of force, fraud, threat, menace, intimidation, bribery, reward, or offer of reward; or
- (3) engaging in conduct that results or has the intent to result in the denial or abridgement of the right of any citizen of the United States to vote on account of race, color, or disability.

A person who violates these State law prohibitions is guilty of a misdemeanor and subject to a fine of up to \$5,000 and/or imprisonment for up to five years. A person who violates the prohibitions under (2) and (3) without knowing that the act is illegal is subject to a civil penalty of up to \$5,000.

Chapter 396 of 2015 (Voter's Rights Protection Act of 2015) authorizes the Maryland Attorney General (and, under certain circumstances, the State Prosecutor) to institute an action in circuit court for injunctive relief to prohibit a person from committing an imminent violation or continuing to commit a violation of those State law prohibitions.

Denial or Abridgement of the Right to Vote – Federal Voting Rights Act

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.

Attorney General

Under the Maryland Constitution, the Attorney General's responsibilities include:

- investigating, commencing, and prosecuting or defending any civil or criminal suit or action or category of such suits or actions in any of the federal courts or in any court of the State, or before administrative agencies and quasi-legislative bodies, on the part of the State or in which the State may be interested, which the General Assembly (by law or resolution) or the Governor directs to be investigated, commenced, and prosecuted or defended; and
- giving the Attorney General's opinion in writing whenever required by the General Assembly or either branch thereof, the Governor, the Comptroller, the Treasurer, or any State's Attorney, on any legal matter or subject.

State Expenditures: General fund expenditures increase by at least \$179,101 in fiscal 2027. This estimate reflects the cost for OAG to hire one assistant Attorney General to (1) pursue violations under the bill and (2) review and authorize proposed remedies local governments lack the authority to enact and implement within the prescribed 150-day period. The estimate assumes that the assistant Attorney General starts July 1, 2026, and any impacts of the bill in fiscal 2026 are handled by OAG with existing resources. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1.0
Salary and Fringe Benefits	\$169,266
Operating Expenses	<u>9,835</u>
Total FY 2027 State Expenditures	\$179,101

Future year expenditures reflect a salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

The estimate is intended to reflect an approximate minimum amount of additional resources needed to implement the bill. OAG advises it needs two assistant Attorneys General (instead of the one assistant Attorney General reflected in this estimate) to handle the office's responsibilities and also support SBE; however, it is unclear whether that level of staffing is needed. General fund expenditures may also be higher due to expert witness fees paid by OAG (OAG estimates expert witness fees of \$50,000 annually).

Local Expenditures: Local government expenditures may increase, beginning as early as fiscal 2026 (reflecting the bill's emergency status), as a result of costs associated with any litigation and enacting and implementing remedies for violations of the bill's provisions.

However, the extent to which local government expenditures increase cannot be reliably estimated.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1043 of 2025.

Designated Cross File: None.

Information Source(s): Baltimore City; Anne Arundel, Calvert, and Prince George's counties; City of Annapolis; Maryland Municipal League; Office of the Attorney General; Judiciary (Administrative Office of the Courts); Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - February 10, 2026
jg/sdk

Analysis by: Arnold H. Adja

Direct Inquiries to:
(410) 946-5510
(301) 970-5510