

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Ways and Means Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 57  
Voters' Rights Protection Act of 2020  
**DATE:** January 13, 2021  
(1/26)  
**POSITION:** Oppose as drafted

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The Maryland Judiciary opposes House Bill 57 as drafted. This bill adds provisions to the Election Law Article that are primarily aimed at voter protections.

The Judiciary certainly understands the purpose of the bill and takes no position on its policy aims. However, there are certain provisions that are difficult to reconcile. For instance, there is no indication as to who the opposing party should be in such an action. Additionally, the Judiciary is concerned about the possibility, under § 2-304(b), of a conflict between a decision of the Attorney General and a circuit court about whether a covered change in voting locations is permissible. As written, the bill may allow for such a conflict to arise without a method to rectify such a conflict between a declaratory judgment and the Attorney General's Certification.

In addition, the bill's provision that allows for appeals of certain circuit court decision to be taken directly to the Court of Appeals is unusual and may not be necessary.

Further, the bill's statement, in section 2-304, that an appeal may be taken within five days after the decision is vague. Often, for example, appeals must be filed within a certain number of days "after the entry of the judgment." By contrast, "after the decision" is unclear and more specificity may be appropriate.

cc. Hon. Samuel Rosenberg  
Judicial Council  
Legislative Committee  
Kelley O'Connor