



TESTIMONY THE SENATE EDUCATION, ENERGY AND ENVIRONMENT COMMITTEE

SB 878 Voting Rights Act of 2023 – Counties and Municipalities

POSITION: Information Only

By: Nancy Soreng, President

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The League of Women Voters was founded on the concept that voter participation is the essential element of a successful democracy. LWVMD has worked for over 100 years to ensure the right to vote for every citizen. While we respect the intention of the national organizations who have drafted this law and the bill's sponsors – which was to overcome the devastating impacts to voting rights caused by the removal of the Preclearance provision from the 1965 Voting Rights Act – we don't believe that SB 878 is right for Maryland.

There are several provisions in this bill that we could support. Those include:

- Addressing local redistricting practices that dilute minority voting power.
- Expanding requirements for providing voting materials in languages beyond what is currently required by federal law.
- Collecting and analyzing data to better understand voter registration and election participation rates in relation to demographic census data in order to identify areas for improvement in election administration.
- Considering the use of alternate ballot casting and tabulation systems such as Ranked Choice Voting.

However, as much as we support these concepts, the recommendations in the bill need to be explored further, evaluated, and refined to be workable.

Some of the provisions that give us great pause are:

- The presumption that counties can enact laws that limit voting access. This bill ignores that Maryland Counties and Baltimore City must follow the voting requirements set in law by the General Assembly and administered by the State Board of Elections. This makes the preclearance provision for counties irrelevant. In addition, the Maryland General Assembly has been a national leader in passing laws considered the gold standard in best practices in facilitating election administration.



- While municipalities may enact their own voting laws, methods, and procedures, no attempt was made to document whether current municipal voting systems have been discriminatory. This is why we support the data collection piece of the bill before offering such a significant remedy as initiating pre-clearance programs for municipalities.
- Much of the section on Prohibition Against Voter Intimidation, Deception, or Obstruction has already been incorporated into Maryland Law. The Voters' Rights Protection Act of 2015 (House Bill 73, signed by Governor Hogan) gives the Attorney General (or the State Prosecutor if the Attorney General is a candidate in an election where illegal acts take place) the authority to seek injunctive relief to prohibit persons from committing election violations that willfully and knowingly influence or attempt to influence a voter's voting decision or decision whether to go to the polls to vote.
- The definition of a protected class in the 1965 Voting Rights Act is extremely limited. If Maryland is looking to update its voting rights laws, we need to go beyond protecting only citizens who are members of a race, color, or language minority group. We know it is paramount to include protections for marginalized groups such as the disabled, gender non-conforming people, and women.
- The factors used to identify discrimination in the bill don't account for emerging populations making some rural areas of Maryland more diverse than historical data would show.
- SB 878 is long, complex, and has many disparate elements. It was introduced so late it had to go to the Rules Committee. There has not been adequate time to evaluate its content or the impacts of its proposals.

The League of Women Voters of Maryland recognizes that barriers to voting do exist, especially for those who are systematically denied adequate housing, health care, education, and opportunity. But those barriers are caused by more than just election laws and must be treated holistically, so we have supported many pieces of social and economic justice legislation this session.

We are interested in working with legislators and Maryland advocacy groups during the interim to draft voting rights bills tailored to Maryland. We will advance voting access for Marylanders for whom the current system isn't working as well as it should.