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Baltimore County Senate Delegation

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony Regarding SB 878**  
**Election Law – Voting Rights Act of 2023 – Counties and Municipalities**  
**Before the Education, Energy, and Environment Committee**  
**On March 15, 2023**

Good afternoon Chair Feldman, members of the Education, Energy, and Environment Committee,

In 1985, then Attorney General Stephen H. Sachs completed a 111-page audit of 11 heavily black counties which found racial discrimination and polarization in a number of Maryland’s southern and Eastern Shore counties.<sup>1</sup> The audit showed that in a 20-year span, from 1962 to 1982, in a total of 282 commissioners and county council members that were elected in the 11 counties, only one was black. The counties’ voting-age populations were on average about 21 percent Black. At the time, it was reported by the Washington Post that the audit showed “There is a ‘special sense of isolation among members of the Black community... a sense that they are governed, but do not participate in governing, and that important public issues are decided for them, not by them.’”<sup>2</sup>

Unfortunately, these situations are not a thing of the past. Within the past few years, it has been reported that Montgomery County’s White Oak residents repeatedly asked election officials for an early voting center in the majority-minority neighborhood and Delegate Brian Crosby charged that the lack of a second early voting center in his county amounted to “voter suppression”.<sup>3</sup>

Last year, during the redistricting process, a Baltimore County Redistricting Commission proposed a redistricting plan that would maintain a White majority in six of seven Council districts by “packing” a supermajority of Black voters (70 plus percent) into its single majority Black district, a tactic the U.S. Supreme Court has counseled against. Advocacy organizations, my colleagues

<sup>1</sup> Paul Valentine. [Voting Bias Found in Some Md. Counties](#). Washington Post. July 19, 1985.

<sup>2</sup> Id.

<sup>3</sup> <https://www.marylandmatters.org/2019/10/08/state-board-will-consider-additional-early-voting-site-in-montgomery-but-not-baltimore/>

and I tried to persuade the County Council to amend the map to better reflect the demographics of the county. Instead of doing that, the Council amended the map creating an even more precarious council districts. The Council's response led me and a few other Baltimore County citizens to join the ACLU, League of Women Voters of Baltimore County, the Baltimore County Branch of the NAACP, and Common Cause-Maryland in filing a federal lawsuit challenging the racially discriminatory and unlawful redistricting plan approved by the Baltimore County Council in December 2021.

Our case was argued before United States District Judge Lydia Kay Griggsby who then issued an injunction overturning Baltimore County's racially discriminatory redistricting plan, and that required the County to reconfigure its election system in compliance with the Voting Rights Act. The County Council ultimately adopted a plan, accepted by the District Court which led to a Baltimore County Council with no women and one non-white member.

And just last month, the Town of Federalsburg was sued to end a discriminatory at-large election system that has kept governance exclusively White for two centuries in a community that is now nearly half Black.<sup>4</sup>

The federal Voting Rights Act gives our US Attorney General the ability to sue any government which violates the federal Voting Rights Act, but the reality is, that office does not have the capacity to get involved in every violation that occurs. Senate Bill 878 will offer the most comprehensive state law protections for the right to vote in the United States. Specifically, it will provide a framework to address barriers that deny voting opportunities in the political process in a way that is efficient and cost-effective for both voters and local governments in the State.

Senate Bill 878 consists of eight subtitles. **Subtitle 1** provides definitions and some general overarching provisions of the bill. **Subtitle 2** establishes certain legal protections for protected class members from local governments outlawing tactics that harm protected classes. **Subtitle 3** requires local governments with a population of two percent or four thousand or more who comprise a language minority to provide voting materials in that additional language. **Subtitle 4** provides for a preclearance program which is based upon a New York statute which ensures that certain "covered jurisdictions submits any proposals to our Attorney General or the Courts prior to enactment so they do not run afoul of the law. **Subtitle 5** establishes a Statewide Election Database and Information Office to be a central public repository for election and demographic data. The stated purpose would be to evaluate whether our elections are administered in accordance with this law; that we are using best practices and investigating potential infringement of the right to vote. **Subtitle 6** provides Marylanders with a civil cause of action against voter intimidation, deception, or obstruction. **Subtitle 7** provides for procedures regarding how actions and investigations will occur. Finally, **Subtitle 8** notes how costs and fees will be addressed if litigation does occur.

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<sup>4</sup> <https://www.aclu-md.org/en/press-releases/black-voters-advocateschallenge-election-system-eastern-shore-town-shamefully>

The people of Maryland deserve more than what the diminished Voting Rights Act of 1965 affords them. We deserve protection, equality and control of our elections and to uplift those who have felt impeded in casting a vote. I ask that you give SB 878 a favorable report.