

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Education, Energy, and the Environment Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 878
Voting Rights Act of 2023 – Counties and Municipalities
DATE: March 1, 2023
(3/15)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 878. This bill proposes to add an entire section to the Election Law Article titled the Voting Rights Act – Counties and Municipalities.

The bill further authorizes the Anne Arundel Circuit Court to “preclear”, meaning submitting in writing, any proposed enactment or implementation of any new or modified local government qualification for the admission of a voter, prerequisite to voting, or ordinances, regulations, standards, practices, procedures, or policies touching on the changes described in the noted subsection. The bill would also allow certain persons to file an action in Anne Arundel Circuit Court to enjoin the enactment or implementation proposed by local government and allow sanctions if local government moved forward without obtaining preclearance. This bill is problematic, as courts are prohibited from rendering “advisory opinions.” To have the Circuit Court for Anne Arundel County “review and grant preclearance to certain policies” certainly seems like such.

Although well meaning, this bill would also create a constant morass of litigation. The standards being sought are so broad and so numerous, that a court could spend weeks or months trying to resolve a case. These bills also impose “weight” of the evidence standards which are outside legislative purview.

Finally, it is unclear why this burden is being placed on one circuit court, rather than to apply normal jurisdictional requirements, which seems unwise. Current law provides Anne Arundel County circuit court with jurisdiction over statewide election cases but this bill applies to county and municipal elections. It is unclear why a challenge to an Allegany local election would need to be filed in the Circuit Court for Anne Arundel County.

cc. Hon. Charles Sydnor
Judicial Council
Legislative Committee
Kelley O'Connor