

March 7, 2023

Testimony on HB 1104
Voting Rights Act of 2023 – Counties and Municipalities
Ways and Means

Position: Favorable

Common Cause Maryland is in enthusiastic support of HB 1104, a landmark piece of legislation that builds on successful Voting Rights Act models enacted recently in Virginia, New York, California, and other states. The bill takes the necessary steps to protect the voting rights of all Marylanders at the state level – but especially Voters of Color who have historically been denied the equal opportunity to participate in the democratic process – regardless of what direction the Supreme Court takes federal law.

Despite our nationally progressive reputation, many of Maryland’s counties and cities have a troubling history when it comes to race and voting: English literacy tests, property ownership requirements, grandfather clauses, and entitlements linked to voting are just a few examples of the legal discrimination faced by Voters of Color attempting to exercise their right to vote. Despite the strides towards equality that society has made since the Civil Rights movement, the spirit of many of these discriminatory practices has been carried forward to the present day: for example, some jurisdictions still use at-large elections which can empower a white majority to capture most or all seats, even when there is a substantial population of Black, Indigenous, and other Voters of Color.

The Maryland Voting Rights Act (MDVRA) proposal includes a requirement for local voting changes to receive preapproval, taking from core provisions of the federal Voting Rights Act that was struck down by the Supreme Court ten years ago. As we move forward it’s important to note that Maryland was not among the states, mostly in the South, that were covered under federal preclearance provisions – making it even more necessary that these reforms be passed at the state level.

The MDVRA will be a boon for the electoral participation of all historically excluded groups, and increased language access requirements are just one of the ways this legislation seeks to advance that mission.

[Studies indicate](#) that translated materials and other forms of language assistance make it easier for populations that don’t speak English well to participate in the democratic process.¹ In any election, voters make decisions about whether or not to cast a ballot – [with only 27.4% voter turnout](#) in the 2022 Maryland gubernatorial election, many choose not to. Access to translated ballots can help ensure that this decision stays with the voter, rather than a systemic barrier that makes the choice for them.²

¹ <https://onlinelibrary.wiley.com/doi/10.1111/j.0038-4941.2005.00317.x>

² https://elections.maryland.gov/press_room/2022_stats/Official%20by%20Party%20and%20County.pdf

HB 1104 will ensure that non-English speakers are not left out of the voting process by requiring localities with a language minority population of two percent of citizens of voting age citizens to provide voting materials in that additional language. This will ensure that more voters are accurately informed, resulting in greater participation and an overall healthier democracy. It is our strong belief that no voter should ever be discouraged from voting because the materials were not provided in a language they can understand.

The Maryland Voting Rights Act will ensure that all voters are able to cast a ballot and participate freely in our elections if they so choose. HB 1104 will make Maryland a national leader on protecting the right to vote, carrying forward momentum from across the nation to become one of the most comprehensive enacted state-level voting rights acts in the country.

For these reasons, we strongly urge a favorable report from the committee.