

**WAYS AND MEANS COMMITTEE****March 3, 2023****HB 1104 – Voting Rights Act of 2023 - Counties and Municipalities****Position: SUPPORT**

At a time when voting rights are constantly being challenged, HB 1104 will enshrine voting rights protections in the Maryland State Constitution<sup>1</sup>. In addition to protecting against racial gerrymandering and providing civil cause of action, The Maryland Voting Rights Act (MDVRA) will require local governments to ensure non-English speakers have voting materials in the minority language of a locality and creates a statewide database with demographic data to foster evidence-based practices in election administration which includes data on voters with disabilities.

The Voting Rights Act of 1965 (VRA) put an end to the racist practices that effectively denied African-Americans the right to vote through poll taxes, literacy tests and intimidation. The federal Voting Rights Act of 1965 protected against racial gerrymandering that diluted the power of African American voters. The Act required certain states to receive pre-clearance from the United States Department of Justice for redistricting and other voting legislation. However, in 2013, the Supreme Court ruled that this required pre-clearance under Section 5 was unconstitutional. Since then, we've seen tactics and measures that threaten the voting rights of African-Americans, voters with disabilities<sup>2</sup>, and other disenfranchised groups.

Although Maryland was not subject to the 'pre-clearance' requirements, the Voting Rights Act Section 5 coverage served as a prophylactic against state and local efforts to minimize the voting rights of people of color. This summer, the Supreme Court will again decide the extent of protections under the Voting Rights Act in regards to redistricting. HB 1104 will enshrine protections currently guaranteed under the federal Voting Rights Act into the State constitution, regardless of how the Supreme Court may rule. Implementing voting rights into our State constitution will protect and guarantee equal voting rights for all Marylanders.

We are particularly supportive of the provisions that will expand language access to the ballot for minority languages. This will affirmatively ensure access to the ballot, improving our democracy. The Maryland Voting Rights Act will also create an election hub for demographic data with the goal of fostering evidence-based practices in election data. For example, this data will help inform the location of drop boxes according ensure equal access for protected classes. We respectfully recommend the language of the demographic data include demographic data for voters with disabilities, to improve accessibility measures the State Board of Elections may adopt in the future. Including voters with disabilities to the demographic data hub is vital to ensure election administration provides equal access to voters with disabilities. Additionally, there is a huge lack of data for voters with disabilities, making it difficult to evaluate how election administration impacts voters with disabilities. Including voters with disabilities in

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<sup>1</sup> [Voting Rights Act faces further dismantling at Supreme Court : NPR](#)

<sup>2</sup> [Legislation - HB0035 \(maryland.gov\)](#); [Legislation - HB0022 \(maryland.gov\)](#); [Legislation - HB0926 \(maryland.gov\)](#); [Legislation - HB1216 \(maryland.gov\)](#); [Legislation - HB1092 \(maryland.gov\)](#); [Legislation - HB0616 \(maryland.gov\)](#)



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demographic data gives Maryland the opportunity to provide better accessibility and equal access to the ballot using evidence-based practices.

Voting rights are fundamental to a working, equitable and transparent democracy. Maryland has the opportunity to join New York and Virginia in affirmatively protecting voting rights by passing HB 1104, the Maryland Voting Rights Act. The provisions in the bill make this a forward thinking piece of legislation, particularly its provisions to expand language access to the ballot and creating a data hub for demographics. We respectfully request disabilities be included in the language of demographic data to ensure all disenfranchised voters are represented. For those reasons and with that amendment, we request a favorable report on HB 1104. For any questions, please contact Samuelah Ansah at

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