

**February 24, 2025**

**Testimony on HB 1044**  
**Maryland Voting Rights Act of 2025 – Preclearance and Voter Intimidation and**  
**Obstruction**  
**Ways and Means**

**Position:** Favorable

Common Cause Maryland is in support of HB 1044, a landmark piece of legislation that builds on successful Voting Rights Act models enacted recently in Virginia, New York, California, Connecticut, and other states. The bill takes the necessary steps to protect the voting rights of all Marylanders at the state level – but especially Black and Brown voters who have historically been denied the equal opportunity to participate in the democratic process – regardless of what direction the Supreme Court takes federal law.

Maryland has a generally progressive reputation nationally. However, many of our state'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 Black and Brown voters 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 election systems 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 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.

HB 1044 provides a framework for determining which jurisdictions are at a high-risk for voter discrimination – based on past voting or civil rights violations, disparities in voter participation, or discrimination in the criminal legal system that can lead to disenfranchisement – and streamlines the process of obtaining an expert review of the proposed changes, to ensure that they will not discriminate against voters based on race.

In this way, HB 1044 will help to stop voter discrimination before it happens, without the need for expensive and time-consuming litigation.

The preclearance provision is built upon Section 5 of the Federal Voting Rights Act, which was at one time considered the heart of the most effective civil rights legislation in American history, as well as similar programs enacted in the California, Washington, Oregon, Virginia, New York, Connecticut, and Minnesota. Similar bills are under consideration in Florida, New Jersey, and Colorado this session.

Maryland's VRA is specifically tailored to how we run elections within the state. Municipalities in Maryland have full control over how they run their elections, and the bill is written so as not to interfere with their normal administrative processes – it simply serves as a “check” on municipal governments, ensuring that their final decisions won't dilute minority voting power or detrimentally impact minority groups' right to vote. County elections are controlled by the State Board of Elections, and so the MDVRA focuses on instances where counties could potentially dilute the power of voters - specifically within the redistricting process.

We saw the demonstrated need for this legislation recently with the case of Baltimore County's most recent redistricting cycle. In 2022, a group of Baltimore County voters joined with Common Cause Maryland, the Baltimore County branch of the NAACP, and other partners to file a federal lawsuit to challenge a racially discriminatory and unlawful redistricting plan that was approved by the Baltimore County Council in December 2021.

According to 2020 U.S. Census data, roughly 30 percent of Baltimore County residents are Black and nearly half of residents are people of color, reflecting the growing diversity within the county. Despite this, five out of seven districts in the plan the Council originally approved were majority white and a sixth had a 49.41 percent white plurality in its voting age population. This meant that an excessive number of Black voters were packed into the single majority-Black district within the county.

After hearing the evidence, a Baltimore County judge filed a preliminary injunction requiring the map to be redrawn to ensure more proportional representation for the county's Black residents. Under a Maryland Voting Rights Act, the Baltimore County council's original redistricting plan would have been subject to preclearance by the Attorney General, avoiding the need for costly and time-consuming litigation and taking the burden off of the voters to prove that their rights have been violated.

We saw a similar situation unfold during Prince George's (PG) County's 2021 redistricting cycle. In November 2021, the PG County Council voted to approve an amended

redistricting plan – created in secret, without public input - that drew sharp criticism and allegations of blatant gerrymandering from county residents and other stakeholders. In doing so, the Council threw out the draft map that had been drawn and presented to the public in October 2021 by the PG County Redistricting Commission. The Commission’s map had proposed minor changes to council districts, reflecting growth and population shifts within the county.

Four effected county residents filed suit to have the Council’s map thrown out. In January, a PG County judge did just that, ordering the county to use the map originally produced by the Commission. Passage of the MDVRA this session would ensure that issues like this are resolved on the front end, before decisions that could violate the rights of voters are made final.

There is strong support for voting rights acts at the state level – according to a poll conducted by the NAACP Legal Defense Fund, more than three-quarters of voters support a voting rights act in their state (78 percent) with support for the legislation transcending partisan and demographic lines. Voters feel strongly that their voting rights are being threatened nationally, and nearly three-quarters (73 percent) want their state representatives to prioritize codifying a VRA in their state.<sup>1</sup>

As we celebrate 60 years of the federal Voting Rights Act in 2025, it is unfortunate that attacks on the freedom to vote at the federal level have become our new normal. Now is the time for Maryland’s legislators to take the necessary steps to safeguard voters from discrimination and intimidation at the state level, ensuring that we are protected regardless of what happens at the federal level.

For these reasons, we urge a favorable report on HB 1044.

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<sup>1</sup> <https://www.naacpldf.org/wp-content/uploads/LDF-State-VRA-Poll-Key-Findings-Short-Deck-1-30-25.pdf>