

February 14, 2025

***Submitted Electronically***

Vanessa E. Atterbeary, Chair  
Jheanelle K. Wilkins, Vice Chair  
Ways and Means Committee  
130-131 Taylor House Office Building  
Annapolis, MD 21401

***RE: House Bill 983 - Election Law-Local Boards of Elections-Language-Related Assistance - Favorable***

Dear Chair Atterbeary and Vice Chair Wilkins:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (LDF),<sup>1</sup> we appreciate the opportunity to submit written testimony in strong support of H.B. 983, “Election Law-Local Boards of Elections-Language Related Assistance.” Through this critical legislation, Maryland can further its efforts to protect Black voters and other voters of color who have limited English proficiency and rise as a national leader in building an inclusive, multiracial democracy.

For the reasons outlined herein, Maryland should enact H.B. 983 to protect limited English proficiency (LEP) voters.

**The Legal Defense Fund’s Long History of Protecting and Advancing Voting Rights**

Founded in 1940 under the leadership of Maryland native Thurgood Marshall, LDF is America’s premier legal organization fighting for racial justice. Through litigation, advocacy, and public education, LDF seeks structural changes to expand democracy, eliminate disparities, and achieve racial justice in a society that fulfils the promise of equality for all Americans.

LDF has prioritized its work protecting the right of Black communities to vote for more than 80 years—representing Dr. Martin Luther King, Jr. and other marchers in Selma, Alabama in 1965, advancing the passage of the Voting Rights Act (VRA), litigating seminal cases interpreting the federal VRA’s scope,<sup>2</sup> and working in communities across the

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<sup>1</sup> Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in the areas of education, economic justice, political participation, and criminal justice. It has been a separate organization from the NAACP since 1957.

<sup>2</sup> *Merrill v. Milligan*, 142 S. Ct. 879 (2022).

South to strengthen and protect the ability of Black voters to participate in the political process free from discrimination.

In the wake of recent Supreme Court cases that have undercut the federal VRA,<sup>3</sup> as Congress struggles to respond with federal legislation,<sup>4</sup> and as states across the country move to further restrict the franchise,<sup>5</sup> LDF has prioritized working to advance state voting rights acts to meet the urgent need to protect Black voters from discrimination. LDF worked with partners to successfully advocate for the enactment of the John R. Lewis Voting Rights Act of New York (the New York Voting Rights Act or “NYVRA”) in 2022, the John R. Lewis Voting Rights Act of Connecticut (the Connecticut Voting Rights Act or “CTVRA”) in 2023, and the Minnesota Voting Rights Act (“MNVRA”) in 2024.<sup>6</sup> This year we are working with robust coalitions of civil and voting rights advocates seeking to advance similar laws here in Maryland, as well as in New Jersey.

As a vibrantly diverse state<sup>7</sup> with historic Black leadership, as a state with a longstanding history of racial discrimination that has made substantial strides in opening its democracy,<sup>8</sup> and as the birthplace of our founder Thurgood Marshall, we are excited to work with the General Assembly to ensure that Maryland can lead the way forward. The Free State can become a national leader by meeting a critical local need.

### **Why Language Access is Important in Maryland**

Maryland is the most diverse state on the East coast, with 136 languages and dialects spoken within its borders.<sup>9</sup> More than one million Marylanders speak a language

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<sup>3</sup> See e.g. *Shelby County v. Holder*, 570 U.S. 529 (2013); *Brnovich v. Democratic National Committee*, 590 U.S. (2021).

<sup>4</sup> Freedom to Vote: John R. Lewis Act, H.R. 5746, 117th Cong. (2021).

<sup>5</sup> Voting Laws Roundup: September 2024, Brennan Center for Justice (Sept. 26, 2023), <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-september-2024>.

<sup>6</sup> NYVRA, N.Y. Elec. L. §§ 17-200–222; CTVRA, Conn. Gen. Stat. §§ 9-368i–q; MNVRA, Minn. Stat. §§ 200.50-200.59.

<sup>7</sup> Marissa J. Lang and Ted Mellnik, *Census data shows Maryland is now the East Coast’s most diverse state, while D.C. is Whiter*, WASHINGTON POST, available <https://www.washingtonpost.com/dc-md-va/2021/08/12/dcvirginia-marylandcensus-redistricting-2/>.

<sup>8</sup> Bennett Leckrone, *Election Reforms Will Make Voting More Accessible In Maryland, Advocates Say*, MARYLAND MATTERS, available at <https://www.marylandmatters.org/2021/06/16/election-reforms-will-make-voting-more-accessible-in-maryland-advocates-say/>.

<sup>9</sup> *Expand Language Access in Maryland Elections*, COMMON CAUSE, available at <https://www.commoncause.org/maryland/wp-content/uploads/2024/02/MD-2023-language-access-one-pager-3.pdf>.

other than English.<sup>10</sup> Yet access to voting materials in their primary language remains a significant issue for non-English-speaking Marylanders.

According to the Migration Policy Institute, the limited English proficient population in Maryland more than doubled over the last two decades.<sup>11</sup> Furthermore, 47.1% of the Spanish-speaking population reported speaking English less than “very well” in 2023.<sup>12</sup> The federal VRA requires jurisdictions to provide voting materials in languages other than English if at least 5% of the population, or 10,000 people, speak a specific different language.<sup>13</sup> That threshold leaves the needs of many non-English-speaking voters across Maryland unaddressed and must be lowered at the state level to reduce the number of people who are excluded from voting.<sup>14</sup> As of now, the federal threshold requires only two counties in Maryland to provide election materials in a language other than English: Montgomery and Prince George’s Counties.<sup>15</sup>

In addition, the federal VRA requires bilingual services only for select languages, such as Spanish, Asian languages, and Native American languages.<sup>16</sup> The two counties referenced above are only required to provide materials in Spanish,<sup>17</sup> although languages other than Spanish are becoming more prevalent in Maryland.<sup>18</sup> For example, almost 200,000 Marylanders speak a language originating in Africa.<sup>19</sup> Language should not be a barrier to voting, yet it keeps thousands of non-English speakers across the state from the ballot box.

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<sup>10</sup> See *Maryland: Immigration Data Profile*, MIGRATION POLICY INSTITUTE, <https://www.migrationpolicy.org/data/state-profiles/state/language/MD> (last visited Feb 20, 2024).

<sup>11</sup> See *id.*

<sup>12</sup> See *id.*

<sup>13</sup> 52 U.S.C. § 10503.

<sup>14</sup> See Hansi Lo Wang, *A federal law requires translated voting ballots, but not Arabic or Haitian Creole*, NAT. PUB. RADIO (Jun. 26, 2022), <https://www.npr.org/2022/06/24/1083848846/bilingual-ballots-voting-rights-act-section-203-explained>.

<sup>15</sup> Voting Rights Act Amendments of 2006, Determinations under Section 203, 86 Fed. Reg. 69611 (Dec. 8, 2021), available at <https://www.federalregister.gov/documents/2021/12/08/2021-26547/voting-rights-act-amendments-of-2006-determinations-under-section-203>.

<sup>16</sup> *Section 203 Language Determinations*, UNITED STATES CENSUS BUREAU (Dec. 28, 2022), <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/voting-rights-determination-file.html> (“The language minority groups covered by Section 203 [of the Voting Rights Act] are those that speak Asian, American Indian, Alaska Native, and Spanish languages.”).

<sup>17</sup> *Voting: Introduction*, MARYLAND STATE BOARD OF ELECTIONS, <https://elections.maryland.gov/voting/index.html> (last visited Dec. 18, 2024).

<sup>18</sup> See Migration Policy Institute *supra* note 10.

<sup>19</sup> *Voting Rights Act Amendments of 2006, Determinations Under Section 203*, 86 Fed. Reg. 69611, 69612 (Dec. 8, 2021), <https://www.govinfo.gov/content/pkg/FR-2021-12-08/pdf/2021-26547.pdf>.

## **How the H.B. 983's Language Access Coverage Works**

H.B. 983 builds on the federal VRA by requiring counties to provide voting materials in any languages spoken by at least 2% of the county's population (with a minimum of at least 100 people) or have a total population of at least 4,000 LEP voters in the county. This is a lower population threshold than in the federal VRA, extending language assistance to more LEP voters throughout the state and not just in large urban centers. Under H.B. 983, the State Board of Elections will determine which places meet this requirement every two years based on Census data. H.B. 983 also requires assistance in more languages that are commonly spoken in Maryland but are not included in federal law. This could expand language assistance in certain localities to include Spanish, French, Korean, Amharic, and Chinese (including Taiwanese).

H.B. 983 specifically calls for accurate translations of election and voting-related materials, including voter registration notices and forms, sample ballots, and election instructions. Voting materials translated into covered languages must be "of equal quality" to the corresponding English language materials. The bill also requires oral assistance at polling locations where feasible.

Maryland's language diversity is one of its greatest strengths, but existing law requires very little language assistance to language-minority voters. If enacted, this legislation would help position the Free State as a leader in protecting the right to vote by requiring more robust language assistance than federal law for LEP voters.

## **Conclusion**

This Committee hearing takes place nearly 60 years after the Bloody Sunday Selma-to-Montgomery march that led directly to the passage of the federal VRA. Maryland now has an opportunity to carry forward that legacy by enacting the Maryland VRA, including H.B. 983, which focuses on protecting limited English proficiency voters.

We are experiencing attacks, not progress, on voting rights at the national level. The Trump Administration's Project 2025 agenda includes plans to undermine enforcement of protections against voting discrimination<sup>20</sup>, and the administration has already done so by changing the Justice Department's position in voting cases to threaten fair participation

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<sup>20</sup> *What Project 2025 Means for Black Communities: Voting Rights and Black Political Power*, THURGOOD MARSHALL INSTITUTE (Oct. 3, 2024), available at <https://tminstituteldf.org/threats-to-voting-rights-project-2025/>.

by people of color, including in a critical case on fair districts the Supreme Court is considering this year.<sup>21</sup>

We urge this Committee to seize this opportunity by moving H.B. 983 forward to the House floor; and we stand ready to work with you to protect Black voters, and other voters of color, in the Free State.

Please feel free to contact Adam Lioz at (917) 494-2617 or [alioz@naacpldf.org](mailto:alioz@naacpldf.org) with any questions or to discuss this bill in more detail.

Sincerely,

/s/ Adam Lioz  
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NAACP Legal Defense and Educational Fund, Inc. (“LDF”)

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that increase access to the electoral process and prohibit voter discrimination, intimidation, and suppression. LDF has been fully separate from the National Association for the Advancement of Colored People (“NAACP”) since 1957, though LDF was originally founded by the NAACP and shares its commitment to equal rights.

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<sup>21</sup> *Louisiana v. Callais*, 732 F.Supp.3d 574 (W.D. La. 2024).