

**WAYS AND MEANS
FEBRUARY 24, 2025**

**House Bill 1043 - Maryland Voting Rights Act of 2025 - Voter
Suppression and Vote Dilution
POSITION: SUPPORT WITH AMENDMENT**

Disability Rights Maryland (DRM, formerly Maryland Disability Law Center) is the Protection & Advocacy agency of Maryland, mandated to advance the civil rights of people with disabilities. DRM submits this testimony in support of House Bill 1043, Maryland Voting Rights Act of 2025 - Voter Suppression and Vote Dilution and supports this bill with amendments.

House Bill 1043 is a strong bill that increases the protection for Marylanders against voter suppression and vote dilution by creating a clear action process to seek remediation of disenfranchisement through a legal complaint process. It explicitly protects Marylanders from being targeted by policy changes that impact the strength of their vote or how they cast it. The bill offers these protections by allowing individual Marylanders, the organizations that represent their interests and the attorney general to pursue this legal process.

This bill is broad in defining what disenfranchisement can look like, which reflects Maryland's political landscape that includes diverse communities, levels of local government and the differentiation of the State Board of Elections and local boards. It goes into detail when establishing what evidence and concerns are considered by courts during the process. It requires the courts to make decisions during the proceedings that prioritize protecting the ballot of all Marylanders while remaining nonpartisan.

Any changes made by different local government entities related to the voting process, including the process' accessibility, can be the subject of a complaint. It also maintains the responsibility of these entities to stay accountable with specific requirements about public communication on these changes, which must be given on reasonable deadlines as well as in a "concise" form. Public information about changes to the voting process can help people with disabilities make important decisions about their vote.

However, the bill limits the full power of its provisions to a specific definition of “protected class” that is defined to only include racial, ethnic and language minorities. While the bill includes some protections for voters with disabilities, it does not offer the same safeguards as it does for currently defined “protected classes.” People with disabilities would still face barriers if new election policies or practices disproportionately impact them, but they would not benefit from the same anti-discrimination provisions described in this bill’s narrow definition of protected class to include only racial, ethnic and language minorities.

Systemic barriers often faced by people with disabilities include but are not limited to physically inaccessible polling places, lack of accessible voting equipment or materials, restrictions on voting assistance, and barriers to voting by mail. Leaving out people with disabilities from the “protected class” definition weakens legal protections and ignores these real, documented barriers they face in voting. Including people with disabilities would ensure access, stronger protections, and better enforcement of voting rights for a greater number of Marylanders.

Our proposed friendly amendment would address the definition of “protected class” starting on Page 5, Line 21. After “[...] race, color, or language minority group, including a class composed of members of two or more minority groups, as referenced in the federal Voting Rights Act,” we propose to insert “or individuals with disabilities, as defined under the Americans with Disabilities Act (ADA) (42 U.S.C. § 12102) and the Rehabilitation Act of 1973 (29 U.S.C. § 705(9)(B)).”

To make the language consistent with this amendment, we recommend another change on Page 9, Line 9: “The combined electoral preferences of the racial, ethnic, or linguistic minority groups constituting the protected class [...].” This would be a simple language change to “included in the protected class” or similar. Other references to a “protected class” in the bill are consistent with multiple communities outside of its current definition. These simple changes add powerful protections for people with disabilities.

DRM supports the robust requirements of this bill to keep elections fair for all Marylanders, including historically disenfranchised groups, by creating a direct process for any citizen to seek action. DRM’s proposed amendment would increase this bill’s protections of people with disabilities. When we protect the vote of people with disabilities, we strengthen their voices in our communities and in our democracy.

For these reasons, we request a favorable report on HB 1043 with the requested amendments. Please do not hesitate to contact me at GillianJ@DisabilityRightsMD.org or by phone at 443-692-2498.

Respectfully Submitted,

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Coordinator
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