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THE SENATE OF MARYLAND  
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**Testimony for SB 255**  
**Voting Rights Act of 2026 – Counties and Municipalities**  
**Before the Government, Labor, and Elections Committee**  
**April 1, 2026**

Good afternoon, Chair Wells, members of the committee.

The bill I'm bringing to you today is a bill we've been talking about for years. We had deep, meaningful conversations in both houses about the importance of every single vote. We talked about the ways that, intentionally or not, counties and municipalities might dilute or abridge the votes of race, color, and language minority groups.

As elections approach this year, the Maryland Voting Rights Act becomes increasingly vital. County elections will begin in just a few months; local elections began in February.<sup>1</sup> Across the state, Marylanders will place their faith into electoral systems to represent them fairly and equitably. Unfortunately, our systems do not always live up to those expectations.

Polarized voting in local elections is not a hypothetical problem in the State of Maryland. In 2022, after a federal court determined that Baltimore County produced a racially discriminatory redistricting map, the County was forced to create a map that complied with the federal Voting Rights Act.<sup>2</sup> In Caroline County, the town of Federalsburg, with a Black population of 43%, elected its first Black City Councilmembers since its founding 200 years ago after a lawsuit and charter amendments in 2023 changed the electoral system.<sup>3</sup> Most recently, Wicomico County settled a lawsuit, which alleged that their partial at-large voting system denied Black voters equal

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<sup>1</sup> Friendsville in Garrett County hosted elections on February 10; North East in Cecil County on February 9.

<sup>2</sup> See *Baltimore County Branch of the NAACP v. Baltimore County, Md.*, No. 21-cv-03232-LKG, 2022 WL 657562, at \*10 (D. Md. Mar. 25, 2022).

<sup>3</sup> <https://www.aclu-md.org/es/press-releases/landmark-settlement-sweeping-array-restorative-measures-unveiled-historic/> ; <https://www.aclu-md.org/publications/federalsburg-election-history-200-years-making/>

opportunity to participate in the political process, by implementing a more equitable map and system.<sup>4</sup>

Last year, my County narrowly avoided another possible lawsuit stemming from the County Council's creation of a new nine-member council map without any meaningful input from the public or from a redistricting commission. The Council eventually passed an acceptable map last September.<sup>5</sup>

Many provisions of this bill have remained the same as the version you saw last year. Section 15.7-106 explicitly provides a private right of action, allowing the State Attorney General, individuals and organizations to bring lawsuits to enforce fair voting. Section 15.7-104 describes the factors that our Courts will be charged with considering when determining whether polarized voting occurred.

Under SB 255, a plaintiff would still have to establish (1) a county or municipal election exhibits polarized voting, and (2) that the particular method of election dilutes or abridges the voting strength of a protected class member's ability to influence the outcome of an election. And just like last year, the plaintiff will not be required to prove that there was discriminatory intent.<sup>6</sup>

There are also some new provisions and clarifications added as a result of the conversations we've had since last year.

First, section 15.7-107 allows the Court to award a prevailing private plaintiff reasonable attorneys' fees, expert witness fees, and costs. Virtually all civil rights laws, including the federal Voting Rights Act,<sup>7</sup> include this sort of fee-shifting provision to empower afflicted communities in securing effective counsel.

Second, in response to federal cases in the 5<sup>th</sup> and 6<sup>th</sup> circuits,<sup>8</sup> section 15.7-101(c) explicitly enables coalitions of multiple protected class members, such as Black voters and Asian-American voters, to bring an action based on their combined dilution or abridgement.

Finally, in addition to the five probative factors from last year, section 15.7-104(b) describes in more detail how courts may determine whether polarized voting has occurred.

For the aforementioned reasons, I am asking the committee to provide a favorable report for SB 255.

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<sup>4</sup> <https://www.aclu-md.org/cases/wicomico-county-naacp-et-al-v-wicomico-county-et-al/>

<sup>5</sup> <https://countycouncil.baltimorecountymd.gov/redistricting/2025-redistricting-commission/>

<sup>6</sup> See proposed section 15.7-104(B)(3)(II).

<sup>7</sup> See 52 U.S.C. § 10310(e).

<sup>8</sup> See *Petteway v. Galveston County*, 111 F.4th 596 (5th Cir. 2024); *Nixon v. Kent County*, 76 F.3d 1381 (6th Cir. 1996).