



Testimony for the House Government, Labor and Elections Committee

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HB 219 – Maryland Voting Rights Act of 2026 – Voter Intimidation and Suppression

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The ACLU of Maryland strongly urges a favorable report on HB 219, which offers important provisions of the Maryland Voting Rights Act (MDVRA) that are necessary to safeguard the right of every Maryland voter to cast their ballot freely and without fear. These key protections center on (1) empowering Marylanders to take action against voter intimidation, deception, and obstruction; and (2) combatting suppressive standards, policies, and practices that disproportionately impair access to the ballot among disenfranchised communities.

HB 219 Fights Voter Intimidation, Deception, and Obstruction

Especially for immigrant residents, non-English speaking citizens, and communities of color, the fear of showing up to vote at the polls has continued to grow nationwide with the spread of harmful rhetoric and extremist practices. Unfortunately, this follows a long history of voter intimidation in Maryland that HB 219 seeks to tackle by strengthening the pathways available to voters when intimidation, deception, or obstruction interferes with their right to vote.

While Maryland does have two criminal statutes in place to deter voter intimidation¹, those laws are rarely used and have not been historically

¹ Under Md. Code Ann., Elec. Law § 16-201(a) “a person may not willfully and knowingly:

(5) influence or attempt to influence a voter's voting decision through the use of force, threat, menace, intimidation, bribery, reward, or offer of reward;

(6) influence or attempt to influence a voter's decision whether to go to the polls to cast a vote through the use of force, fraud, threat, menace, intimidation, bribery, reward, or offer of reward; or

effective to deter these types of incidents. With HB 219, voters do not have to solely rely on criminal prosecution to fight back against harmful conduct, and can instead file a civil cause of action seeking appropriate remedies.

In addition to providing an alternative to limited criminal accountability that may not be an achievable or productive fix, HB 219 addresses disinformation and other deceptive or fraudulent conduct that interferes with one's right to vote, in addition the use of force, threats, or other conduct obstructing access to the election process.

Why This is Needed – Recent Examples

Recent fears surrounding voter participation follow an alarming pattern of harmful tactics aimed at discouraging voters from casting their ballots. Just this past week, calls to position Immigration and Customs Enforcement (I.C.E.) outside of midterm election polling sites² have kept the spotlight on the reality of violence, wrongful detention, and egregious family separation voters could experience if they must face ICE agents at the polls.³

Even before this, non-profit organizations have pointed to deep concerns with armed extremists showing up at polling places, truck caravans

(7) engage in conduct that results or has the intent to result in the denial or abridgement of the right of any citizen of the United States to vote on account of race, color, or disability.”

A violation of any of these sections is a misdemeanor that subjects a person “to a fine of not more than \$5,000 or imprisonment for not more than 5 years or both.” Md. Code Ann., Elec. Law § 16-201(b). Additionally, election judges “may not willfully and knowingly interfere in any way with the casting of a vote by a person who the election judge knows is lawfully entitled to vote at an election.” Elec. Law § 16-303(a)(1). A person who violates this section “is guilty of a misdemeanor and subject to imprisonment for not less than 3 months nor more than 2 years.” Elec. Law § 16-303(b).

² Brian Bennett, *Bannon Calls on Trump to Send ICE to the Polls; White House Doesn't Rule It Out*, TIME (Feb. 5, 2026), <https://time.com/7371900/steve-bannon-ice-election-donald-trump-leavitt/>

³ See, e.g., Maanvi Singh, Coral Murphy Marcos & Charlotte Simmonds, *2025 Was ICE's Deadliest Year in Two Decades. Here Are the 32 People Who Died in Custody*, *The Guardian* (Jan. 4, 2026), <https://www.theguardian.com/us-news/ng-interactive/2026/jan/04/ice-2025-deaths-timeline>; *ICE Is Detaining Indiscriminately. And Releasing Almost No One*, National Immigrant Law Center (Oct. 21, 2025), <https://www.nilc.org/articles/ice-is-detaining-indiscriminately-and-releasing-almost-no-one/>;

rallying in Black and Latine neighborhoods, and police stationing themselves at polling places in communities with fraught relationships to law enforcement.⁴

Maryland is not immune to this frightening trend, as seen with these and other recent incidents of pervasive misconduct:

- **During the 2024 general election**, advocates responded to multiple incidents across the state. In Frederick County, for example, campaign groups berated voters as they parked their cars and walked to the polls.⁵ On November 8, 2024, bomb threats triggered the evacuation of several Maryland Board of Elections offices, impacting workers responsible for counting mail-in ballots.⁶ This mirrored a nationwide trend also seen in states like Georgia, Arizona, and Pennsylvania.⁷
- **On November 8, 2022**, the ACLU of Maryland’s Election Protection Hotline received a report from a caller about their older relative, who was harassed by a man at the Edgewood Elementary School polling site in Harford County. As documented, the man stationed himself at the school next to a large military vehicle covered in political signs and stood up to harass residents arriving to vote.

⁴ NAACP Legal Def. and Educ. Fund, Inc., *Democracy Diminished*, 2, 10, 20, 35, 59, <https://www.naacpldf.org/wp-content/uploads/Democracy-Diminished-State-and-Local-Threats-to-Voting-Post-Shelby-County,Alabama-v.Holder-Political-Participation-.pdf>; NAACP Legal Def. and Educ. Fund, Inc., *Democracy Defended* 12-14, 21-22 (Sept. 2, 2021), <https://www.naacpldf.org/democracy-defended/>.

⁵ Frederick Democrats, *PUBLIC STATEMENT*, Facebook (Oct. 28, 2024), https://www.facebook.com/FrederickDemocrats/photos/public-statement-from-frederick-county-democratic-central-committee-fcdccdate-mon/950964990390344/?_rdr.

⁶ Pamela Wood, *Here’s what we know about bomb threats at Maryland Elections Offices*, Baltimore Banner (Nov. 11, 2024), <https://www.thebaltimorebanner.com/politics-power/state-government/maryland-election-bomb-threats-AAMRPBPQ45CRZJSFH2UN5WVBLI/>.

⁷ Hansi Lo Wang *et al.*, *Bomb threats disrupted what was otherwise relatively smooth voting on Election Day*, Nat’l Pub. Radio (Nov. 6, 2024), <https://www.npr.org/2024/11/06/nx-s1-5181834/election-day-voting-bomb-threats>.



Images taken outside of Edgewood Elementary School polling site in Harford County by an ACLU of Maryland investigator responding to complaints.

- **In 2020**, election officials in Montgomery County expressed significant concerns with voter intimidation at in-person polling places.⁸ In response, the Maryland Attorney General issued a reminder that voter harassment and intimidation are illegal and would not be tolerated.⁹ Following this public warning, in February 2021 a man in Frederick, Maryland was criminally charged with voter intimidation and given a two-year sentence for mailing letters threatening neighbors who displayed political signs on their lawns.¹⁰

Ahead of upcoming elections during this politically volatile year, it is more important than ever to enact HB 219 to give Marylanders sufficient and accessible state protections against harmful conduct that impedes their fundamental right to vote.

HB 219 Fills Gaps Left by Inadequate Federal Protections Against Voter Suppression

By offering robust state protections against voter suppression, HB 219 also helps fix disparities in voting infrastructure that create an imbalance in voter participation, especially among the communities of color most vulnerable to discrimination.

⁸ Bennett Leckrone, *Montgomery Election Officials Plan Patrols to Prevent, Stop Voter Intimidation*, MARYLAND MATTERS (October 1, 2020), <https://www.marylandmatters.org/2020/10/01/montgomery-election-officials-plan-patrols-to-prevent-stop-voter-intimidation/>.

⁹ Brian Frosh, *Attorney General Frosh Issues Guidance to Remind Voters of Their Right to Vote Free of Harassment or Intimidation*, Maryland Attorney General (Oct. 14, 2020), <https://www.marylandattorneygeneral.gov/press/2020/101420a.pdf>.

¹⁰ *Frederick man charged with voter intimidation*, WDVM (February 24, 2021), <https://www.localdvm.com/news/maryland/frederick-man-charged-for-voter-intimidation/>.

In 1965 Congress passed the federal Voting Rights Act (VRA), one of the most transformative pieces of civil rights litigation in American history. This essential federal reform has worked to counter centuries of institutionalized racial discrimination preventing minority communities from exercising the fundamental right to vote.¹¹ In particular, Section 2 of the VRA permits federal lawsuits challenging discriminatory electoral practices.¹² However, these cases are increasingly limited by years of court decisions undermining key VRA provisions in cases like *Brnovich v. Democratic Nat'l Comm.*, 594 U.S. 647 (2021), which imposed legal “guideposts” that severely restrict the ability to challenge insufficient polling sites, inadequate voting resources, and other suppressive practices that cause disparities in access to the ballot.

These lost federal protections are restored and strengthened by HB 219, which aims to address voter suppression that manifests as government action that results, or is likely to result, in a “material disparity” in access to the ballot for a “protected class” member versus the rest of the electorate.

This is especially critical in Maryland, which is the most diverse state on the East Coast.¹³ On a local level, the majority of Maryland’s counties and municipalities have substantial communities of color accounting for 20% or more of the population – this applies to about 75% of Maryland’s 24 counties, and about 55% of the state’s 156 incorporated towns and cities.¹⁴ While Maryland has achieved recent progress in protecting

¹¹ See Myrna Pérez, *Voting Rights Act: The Legacy of the 15th Amendment*, Brennan Center for Justice, (June 30, 2009), <https://bit.ly/3cjDezF>.

¹² 52 U.S.C. § 10301. Critically, Section 2 does not require voters to prove they were victims of *intentional* discrimination. In *Thornburg v. Gingles*, 478 U.S. 30 (1986), the Court explained that Congress was overturning *Mobile v. Bolden*, 446 U.S. 55 (1980), when it enacted the 1982 VRA amendments. *Mobile* had declared that minority voters had to prove an election mechanism was “intentionally adopted or maintained by state officials for a discriminatory purpose,” in order to satisfy either § 2 of the VRA or the Fourteenth or Fifteenth Amendments. *Thornburg*, 478 U.S. at 35. In response to *Mobile*, Congress revised § 2 to clarify that a violation could be established “by showing discriminatory effect alone...” *Id.*

¹³ Marissa J. Lang & Ted Mellnik, *Census data shows Maryland is now the East Coast’s most diverse state, while D.C. is whiter*, Wash. Post (August 12, 2021), <https://www.washingtonpost.com/dc-md-va/2021/08/12/dc-virginia-maryland-census-redistricting-2/>.

¹⁴ These statistics account for recent U.S. Census Bureau data where “Non-Hispanic White” is noted as the race of less than 80% of the total local population. For the referenced county data (which includes Baltimore City), see [USAFacts](#), *Maryland*

access to the ballot, our culturally-rich communities still face a long history of persistent barriers and discrimination.¹⁵

Why This is Needed – Recent Examples

A few examples of the types of suppressive practices HB 219 aims to address include:

- **Sparse polling sites** where voters face long lines and slowdowns because of an insufficient number of voting machines or other equipment. With voters sometimes waiting hours to cast a ballot,¹⁶ these lines are often worse in areas like such as Prince George’s County where residents of color comprise most of the population¹⁷, and exacerbated by the lack of data collected to determine which polling sites need more equipment.

Population by County and Year (July 2022), <https://usafacts.org/data/topics/people-society/population-and-demographics/our-changing-population/state/maryland/>. For the municipal data (which excludes Baltimore City), see [Maryland Department of Planning, Census Incorporated Places and Census Designated Places, 2020 Census Redistricting Data \(P.L. 94-171\) \(Aug. 12, 2021\), https://planning.maryland.gov/MSDC/Pages/census/Census2020/pL_2020redistricting.aspx](https://planning.maryland.gov/MSDC/Pages/census/Census2020/pL_2020redistricting.aspx)

¹⁵ See 2026 ACLU-MD Appendix (submitted to the General Assembly with this testimony to provide recent case updates and news publications as a supplement to the prior 2024 ACLU-MD Appendix. This prior 2024 Appendix documents a record of voting discrimination, intimidation, and suppression in Maryland; it was first submitted with testimony supporting Md. S.B. 660, 2024 Leg., Reg. Sess. (Maryland Voting Rights Act of 2024 – Counties and Municipalities) (Md. 2024).

¹⁶ See Bennet Leckrone, *Long Lines at Limited Polling Places Plus Mail-in Ballots Lead to Delays in Results*, MARYLAND MATTERS (Jun 2, 2020), <https://www.marylandmatters.org/2020/06/02/long-lines-at-limited-polling-places-plus-mail-in-ballots-lead-to-delays-in-results/>; *Maryland Primary: Power Outages, Delays Reported At Polls*, WJZ NEWS (Jun 26, 2018), available at <https://www.cbsnews.com/baltimore/news/maryland-primary-polling-issues-2/>; Hannah Klain, Kevin Morris, Rebecca Ayala, and Max Feldman, BRENNAN CENTER, *Waiting to Vote*, available at https://www.brennancenter.org/our-work/research-reports/waiting-vote#footnoteref6_etr2asr.

¹⁷ See Ovetta Wiggins, Rebecca Tan, Rachel Chason, Erin Cox, *Citing a history of voter suppression, Black Marylanders turn out to vote in person*, WASHINGTON POST (Oct. 26, 2020), https://www.washingtonpost.com/local/md-politics/maryland-early-voting-prince-georges-trust/2020/10/25/847c5afc-1537-11eb-ad6f-36c93e6e94fb_story.html; Christopher Famighetti, *Long Voting Lines: Explained*, BRENNAN CENTER FOR JUSTICE, available at https://www.brennancenter.org/sites/default/files/analysis/Long_Voting_Lines_Explained.pdf.

- **A shortage of election judges** to assist voters and oversee election procedures at each polling place¹⁸ can also increase disparities resulting from delays and other unresolved concerns. During the 2022 general election, for example, Anne Arundel County was understaffed by 300 election judges, while Baltimore City was understaffed by 1,000 judges.¹⁹ Finding new election judges can be an uphill battle, especially with poor recruitment efforts²⁰, inadequate compensation²¹, and ongoing concerns with exposure to COVID-19.²²
- **Inadequate and inconsistent voting resources** can also disproportionately limit the ability to cast a ballot. For example, during the 2024 primaries and general election, Maryland counties saw last-minute changes to polling locations and delayed openings,²³

¹⁸ See Maryland State Board of Elections, *Become an Election Judge*, https://elections.maryland.gov/get_involved/election_judges_form.html.

¹⁹ See *Maryland boards of elections again need to fill many election judge openings*, WBAL TV (Oct. 18, 2022), <https://www.wbaltv.com/article/maryland-election-judge-openings-poll-worker-shortage/41694906#>

²⁰ See Emily Opilo, *Maryland election judge volunteers report slow, sometimes no response to their offers to work pandemic election*, BALTIMORE SUN (Aug. 24, 2020), <https://www.baltimoresun.com/politics/elections/bs-md-pol-election-judges-not-contacted-20200824-x3tbt2jfzihyphdjzbxzdczt14-story.html>.

²¹ See Joel McCord, *Maryland desperately needs election judges for the midterm election*, WYPR NEWS (Oct. 27, 2022), <https://www.wypr.org/wypr-news/2022-10-27/maryland-desperately-needs-election-judges-for-the-midterm-election>; Nicky Zizaza, *Baltimore seeks at least 1,000 election judges amid nationwide shortage*, CBS NEWS BALTIMORE (Oct. 17, 2022), <https://www.cbsnews.com/baltimore/news/baltimore-seeks-at-least-1000-election-judges-amid-nationwide-shortage/>; Tim Gaydos, *Stipend is an insult to election judges*, FREDERICK NEWS POST (Mar 15 2018), https://www.fredericknews.com/opinion/letter_to_editor/stipend-is-an-insult-to-election-judges/article_2f9d6334-7571-5e8a-9b5c-a630ac6f251b.html.

²² *Id.*

²³ Jessica Babb & Megan Rodgers, *Problems at polling locations, some voters turned away after location not set up*, Fox Baltimore (May 14, 2024), <https://foxbaltimore.com/news/local/problems-at-polling-locations-some-voters-turned-away-after-location-not-set-up>.

while voters faced unexpected closures, long lines, inadequate signage, and other significant impediments.²⁴

- **Targeted disinformation** can also work to suppress the vote, such as the conduct underlying the 2011 conviction of former Governor Robert Erlich’s campaign manager for conspiracy and fraud related to a scheme targeting Black voters in Baltimore and Prince George’s County with robocalls urging them to stay home on Election Day.²⁵ This dangerous tactic has continued with more recent incidents in other states of robocalls targeting voters of color with deceptive information about when and where to vote.²⁶

These challenges, which often occur in areas serving higher proportions of voters of color, can create unequal barriers to the ballot. While the federal VRA fails to offer adequate solutions, HB 219 serves as a workable means to prohibit and address ongoing discrimination.

HB 219 Increases Election Transparency and Maryland’s Leadership in State Voter Protections Nationwide

To ensure Marylanders are equipped with the information needed to fully exercise their right to vote in all elections, HB 219 also increases public notice requirements for changes in election rules and procedures, including municipal elections. This and HB 219’s other important protections support continued progress and stand as primary components of the MDVRA, along with language access provisions enacted last year²⁷ and safeguards against vote dilution advanced this year under separate legislation.²⁸

²⁴ See CBS Baltimore Staff, *Maryland election results delayed with voters still in line*, CBS News (Nov. 5, 2024), <https://www.cbsnews.com/baltimore/news/maryland-election-results-delayed-2024-prince-georges-voter-turnout-montgomery/>.

²⁵ Jason Tomassini, *Jury finds Maryland campaign manager guilty of election fraud*, REUTERS (December 6, 2011), <https://www.reuters.com/article/us-crime-election-maryland/jury-finds-maryland-campaign-manager-guilty-of-election-fraud-idUSTRE7B525I20111206>.

²⁶ Ron Fonger, *Attorney general warns of false robocalls targeting Flint voters*, Michigan Live (Nov. 3, 2020), <https://bit.ly/3BH1NnL>; Sam Gringlas, *Far-Right Activists Charged Over Robocalls That Allegedly Targeted Minority Voters*, National Public Radio (Oct. 1, 2020), <https://n.pr/3sdlk9D>.

²⁷ H.B. 983, 2025 Leg., Reg. Sess., ch. 278 (Md. 2025); S.B. 685, 2025 Leg., Reg. Sess., ch. 277 (Md. 2025).

²⁸ H.B. 350 and S.B. 225, 2026 Leg., Reg. Sess. (Md. 2026) (Maryland Voting Rights Act of 2026 – Voter Intimidation and Suppression).

Enacting the MDVRA aligns Maryland with a growing number of states that have taken the lead in passing their own state voting rights acts to safeguard access to the ballot for all Maryland voters, especially those who have been historically disenfranchised. It is time for Maryland to meet the challenges of the current moment and enact HB 219 to safeguard local democracy by engraining these urgently-needed protections in state law.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on HB 219.

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