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**Testimony of Jonathan M. Smith  
Chief, Civil Rights Division of the Office of the Attorney General  
Before the Government, Labor, and Elections Committee  
In Support of Senate Bill 255  
March 30, 2026**

In calling for the enactment of the Voting Rights Act, President Lyndon Johnson said “In our system the first and most vital of all our rights is the right to vote. Jefferson described it as ‘the ark of our safety.’ It is from the exercise of this right that all our other rights flow.”<sup>1</sup> However, in recent years, the protections of the Voting Rights Act have been under assault, and the vitality of the law is in question. Senate Bill 342 creates a Maryland analogue to the federal statute to ensure that the rights of all Marylanders to vote are protected regardless of changes to the law at the federal level.

The Voting Rights Act was signature achievement of the Civil Rights Movement. It was designed to remove barriers to voting and open up the franchise to all regardless of race. Yet, disparities in voting based on race persist. Despite the persistent challenges in achieving voting rights for persons of color, the federal Courts continue to narrow the reach and promise of the Voting Rights Act. In *Shelby County v. Holder*, 570 US 529 (2013). The United States Supreme Court struck down the provisions of the law that required states and jurisdictions with a history of voter discrimination to seek preclearance of voting practice changes from the United States Department of Justice. More recently, the Eighth Circuit Court of Appeals found that there was no private enforcement of the Voting Rights Act and that only the DOJ could bring enforcement

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<sup>1</sup>President Lyndon Johnson’s Speech to Congress on Voting Rights, March 15, 1965, <https://www.archives.gov/legislative/features/voting-rights-1965/johnson.html#:~:text=On%20March%2015%2C%201965%2C%20President,Return%20to%20Voting%20Rights%20Documents>

actions.<sup>2</sup> And in a 5 to 4 decision, the Supreme Court barely upheld the constitutionality of the Voting Rights Act, a decision that might not stand future challenges.<sup>3</sup>

Maryland is one of the most diverse states in the nation. Yet, voting rights remain a vital issue. In recent years, there has been litigation to address whether at-large county council districts discriminate against black voters<sup>4</sup> and discriminatory redistricting.<sup>5</sup> Nationally, racial disparities in voting are growing and Maryland ranks second in the nation of Black voters who do not vote.<sup>6</sup> As a result, even in counties with high numbers of voters of color, many have all white county governments.<sup>7</sup>

In enacting a state voting rights act, Maryland would be following the lead of California, Connecticut, Illinois, Minnesota, New York, Oregon, Virginia, and Washington.<sup>8</sup> A state level remedy will ensure that all Marylanders have access to the franchise and can vote, thus strengthening and ensuring the vitality of our democracy.

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<sup>2</sup> *Arkansas State Conference NAACP v. Arkansas Board of Apportionment*, 86 F.4th 1204 2023 (8<sup>th</sup> Circuit 2023).

<sup>3</sup> Scotusblog, Supreme Court upholds Section 2 of the Voting Rights Act, June 8, 2023, [Supreme Court upholds Section 2 of Voting Rights Act - SCOTUSblog](#); *Allen v. Milligan*, 599 US 1 (2023).

<sup>4</sup> Cases are pending in Wicomico and Caroline counties, <https://www.aclu-md.org/en/cases/wicomico-county-naacp-et-al-v-wicomico-county-et-al>

<sup>5</sup> <https://www.aclu-md.org/en/cases/baltimore-county-naacp-et-al-v-baltimore-county-et-al>

<sup>6</sup> Brennan Center for Justice, Growing Disparities in Voter Turnout, 2008-2022, March 2, 2024, <https://www.brennancenter.org/our-work/research-reports/growing-racial-disparities-voter-turnout-2008-2022>

<sup>7</sup> [https://www.aclu-md.org/sites/default/files/mdvra\\_need\\_public\\_onepager\\_mdga25\\_english.pdf](https://www.aclu-md.org/sites/default/files/mdvra_need_public_onepager_mdga25_english.pdf)

<sup>8</sup> National Council of State Legislatures, State Voting Rights Acts, November 25, 2025.

<https://www.ncsl.org/elections-and-campaigns/state-voting-rights-acts>