

Testimony Against SB0255

Honorable Delegates

My summary of SB0255 is, if members from a protected class (**members of a race, color, or language minority group or a class or two or more of those groups**) believes that their preferred candidate did not win a county or municipal election, they can contest the results by alleging polarized voting occurred or the election method used diluted or abridged the voting strength of members of a protected class. To me, this means any time that a contestant from a protected class loses, the County or Municipality stands a good chance of being sued if this bill should become law.

Consequently, elections would grind to a halt waiting for a judge to decide to grant an injunction while determining what remedy, if any, should be granted. The resulting chaos would cast doubt on the integrity of the election process for future elections. What would happen if a member from one protected class should lose to a member from another protected class?

This bill is a potential disaster to our election process and should not be approved.

I also found the following testimony submitted during the Senate hearing states additional problems with SB0255.

While the goal of preventing discrimination and ensuring fair elections is commendable, this bill raises significant concerns about local control, legal risk, administrative burden, and unintended consequences.

SB 0255 would prohibit a county or municipal corporation from using any method of electing its governing body if that method “impairs the ability of members of a protected class to elect candidates of their choice or influence the outcome of an election” by diluting or abridging voting rights. However, this approach would have several negative implications:

Undermines Local Autonomy and Decision-Making. The bill imposes state-level standards on how counties and municipalities conduct their local elections, potentially limiting local elected officials’ ability to design election systems that reflect the unique needs and preferences of their communities.

Risk of Increased Litigation and Costs. Similar legislation in prior sessions prompted opposition from municipal associations because it could expose local governments to an influx of lawsuits. Defending against claims that a method of election is discriminatory — even when not intentional — could be costly and burdensome for local governments.

Administrative and Legal Complexity. Determining whether a particular election method dilutes voting power requires complex legal analysis. This could force counties and municipal corporations to overhaul their election structures to avoid litigation, even when there is no clear evidence of intentional discrimination.

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Potential Chilling Effect on Local Policy Innovation. Local governments often experiment with alternative electoral systems to improve representation and governance. A broad prohibition tied to dilution claims may discourage such experimentation, even when such changes are supported by evidence or local voters.

Rather than imposing a one-size-fits-all mandate, efforts to protect voting rights should focus on strengthening procedural transparency, outreach, and compliance assistance that help counties and municipalities identify and address specific issues without undermining their authority or exposing them to onerous legal challenges.

Please enter an unfavorable report on SB0255.

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