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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 House Bill 219
February 9, 2025**

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.”¹ However, in recent years, the protections of the Voting Rights Act have been under assault, and the vitality of the law is in question. House Bill 219 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

¹President 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.² And in 2023 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.³ Before the United States Supreme Court today, the very notion that the federal Courts can order a remedy to ensure that voting districts are drawn to ensure that racial minorities have the opportunity to elect a member of their community is under assault.⁴

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 voters⁵ and discriminatory redistricting.⁶ Nationally, racial disparities in voting are growing and Maryland ranks second in the nation of Black voters who do not vote.⁷ As a result, even in counties with high numbers of voters of color, many have all white county governments.⁸

In addition, House Bill 219 will also protect individuals and groups of voters from intimidation and ensure that all voters can cast their ballots for candidates of their choice. The Bill, should it become law, will require that voters who need accommodation or assistance because of a disability or a language barrier are accommodated and that changes to voting practices beyond the drawing of district lines are subject to review.

In enacting a state voting rights act, Maryland would be following the lead of California, Connecticut, Illinois, Minnesota, New York, Oregon, Virginia, and Washington.⁹ 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.

We support House Bill 219 in concept.

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

³ 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).

⁴ *Louisiana v. Callais*, No. 24-109 (US Sup. Ct., 2025); Amy Howe, *Court appears ready to curtail major provision of the Voting Rights Act*, SCOTUSblog (Oct. 15, 2025, 7:55 PM), <https://www.scotusblog.com/2025/10/court-appears-ready-to-curtail-major-provision-of-the-voting-rights-act/>.

⁵ 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>.

⁶ <https://www.aclu-md.org/en/cases/baltimore-county-naacp-et-al-v-baltimore-county-et-al>

⁷ 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>

⁸ https://www.aclu-md.org/sites/default/files/mdvra_need_public_onepager_mdga25_english.pdf

⁹ National Council of State Legislatures, State Voting Rights Acts, November 25, 2025.

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