

Maryland Voting Rights Act of 2026 – Voter Intimidation and Suppression Government, Labor, and Elections Committee

Position: Favorable

My name is Lori Kronser. I strongly urge the Committee to pass HB 219 to enact protections against voter intimidation, deception and obstruction and voter suppression in Maryland. The protections outlined in HB 219 are essential to ensuring that all Marylanders have the equal opportunity to freely elect the representatives of their choice.

For over sixty years, the federal Voting Rights Act (VRA) of 1965 served as the nation's most effective tool for tackling discriminatory voting practices. At its height, Section 2 of the federal VRA addressed the long history of discrimination in voting by prohibiting racial vote dilution and voter suppression and Section 5 of the federal VRA stopped discriminatory practices before they occurred through preclearance. Section 11(b) of the VRA has been used to combat voter intimidation, but has yet to extend to voter deception. However, federal courts, including the U.S. Supreme Court, have severely limited the federal VRA's protections through cases like *Shelby County v. Holder* (2013), which gutted the coverage formula in the preclearance program, and *Brnovich v. DNC* (2021), which made it difficult—if not impossible—to challenge discriminatory voter suppression.

While the federal VRA was designed to prevent voting laws that harm voters of color in unique ways, given the way that discrimination in all facets of life interacts with the ability to participate in the political process, the *Brnovich* legal test ignores that reality and leaves voters of color without a meaningful federal protection against voter suppression. Additionally, the federal government is failing to protect against intimidation and suppression in our voting processes while also actively advancing anti-voter policies. At a time when federal voting rights protections have been weakened and enforcement has become increasingly uncertain, Maryland legislators have both the authority and the responsibility to safeguard fair and equal access to the ballot by passing HB 219's prohibitions against intimidation and suppression.

Despite Maryland's progressive reputation nationally, voting rights abuses and discriminatory election methods persist within hundreds of our local government entities. Currently, there is no prohibition against suppressive election policies and practices in Maryland law. HB 219 codifies a clear prohibition against voter suppression. Voter suppression refers to policies and practices that burden access to voting, particularly for voters from historically disenfranchised communities, such as voter roll purges that disproportionately target voters of color or long lines disproportionately in communities of color. These outdated policies can restrict voting in ways that disproportionately

reduce political influence and participation in elections, particularly among Black and Brown communities that have been historically marginalized. HB 219 codifies a clear prohibition against any conduct that interferes with the right to vote through intimidation, fraud, or obstruction, ensuring voters are protected at every stage of our electoral process.

Maryland does currently have a criminal prohibition against voter intimidation, however enforcement of this law depends on the resources of the Maryland Attorney General. We've seen instances of intimidation increase since 2020, however the legal tools and resources needed to investigate remain costly and out of reach for many victims. HB 219 helps solve this problem by creating a new streamlined process for handling these instances that allows victims to bring their own cases and seek practical relief while saving all parties - including Maryland taxpayers - valuable time and money.

HB 219 also creates a civil protection against voter intimidation that is expansive enough to prohibit deception and obstruction. Voter intimidation is any conduct aimed at interfering, preventing, or influencing an individual's ability to engage with our elections. Voter deception is the use of false or misleading messages or schemes in order to interfere with voting and voter obstruction is the blocking, delaying, or otherwise interfering with voters' access to polling places, ballot drop boxes, or the voting process itself. It is important that Marylanders have protections against ALL three.

When voters face misinformation and intimidation at and unequal access to the ballot box, public confidence in our democratic systems erodes. Enacting strong prohibitions against voter intimidation and suppression at the state level is a step towards regaining that trust. Combatting these instances is an important and necessary step towards making a vision of the government that is truly of, by, and for the people a reality.

HB 219 strengthens Maryland's democratic institutions, honors the legacy of the federal Voting Rights Act, and ensures that voters are equipped with robust tools to fight voter intimidation and suppressive election practices whenever and wherever they happen. For these reasons, I request a favorable report on HB 219.

Sincerely,

Lori Kronser

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