

SENATE BILL 342

G1
SB 413/22 – EHE

5lr2168

By: **Senator Sydnor**

Introduced and read first time: January 16, 2025

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Voting Rights Act of 2025 – Counties and Municipalities**

3 FOR the purpose of prohibiting the imposition or application of a method for electing the
4 governing body of a county or municipality that impairs the ability of members of a
5 protected class to elect candidates of the members' choice or influence the outcome
6 of an election by diluting or abridging the rights of voters who are members of a
7 protected class; and generally relating to voting rights of members of protected
8 classes in counties and municipalities.

9 BY adding to

10 Article – Election Law

11 Section 8–901 through 8–905 to be under the new subtitle “Subtitle 9. Voting Rights
12 – Counties”

13 Annotated Code of Maryland

14 (2022 Replacement Volume and 2024 Supplement)

15 BY adding to

16 Article – Local Government

17 Section 4–601 through 4–605 to be under the new subtitle “Subtitle 6. Voting Rights
18 – Municipalities”

19 Annotated Code of Maryland

20 (2013 Volume and 2024 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

22 That the Laws of Maryland read as follows:

23 **Article – Election Law**

24 **SUBTITLE 9. VOTING RIGHTS – COUNTIES.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **8-901.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "POLARIZED VOTING" MEANS VOTING IN WHICH THERE IS A
5 DIFFERENCE, AS DEFINED IN FEDERAL CASE LAW REGARDING ENFORCEMENT OF
6 THE FEDERAL VOTING RIGHTS ACT OF 1965, IN THE CHOICE OF CANDIDATES OR
7 OTHER ELECTORAL CHOICES THAT ARE PREFERRED BY VOTERS IN A PROTECTED
8 CLASS AND IN THE CHOICE OF CANDIDATES AND ELECTORAL CHOICES THAT ARE
9 PREFERRED BY VOTERS IN THE REST OF THE ELECTORATE.

10 (C) "PROTECTED CLASS" MEANS A CLASS OF VOTERS WHO ARE MEMBERS
11 OF A RACE, COLOR, OR LANGUAGE MINORITY GROUP, AS THIS CLASS IS REFERENCED
12 AND DEFINED IN THE FEDERAL VOTING RIGHTS ACT OF 1965 AND IN RELATED
13 FEDERAL CASE LAW.

14 **8-902.**

15 (A) THIS SUBTITLE APPLIES ONLY TO ELECTIONS IN A COUNTY.

16 (B) THIS SUBTITLE DOES NOT APPLY TO STATEWIDE ELECTIONS.

17 **8-903.**

18 (A) A METHOD FOR ELECTING THE GOVERNING BODY OF A COUNTY MAY
19 NOT BE IMPOSED OR APPLIED IN A MANNER THAT IMPAIRS THE ABILITY OF
20 MEMBERS OF A PROTECTED CLASS TO ELECT CANDIDATES OF THE MEMBERS'
21 CHOICE OR THE MEMBERS' ABILITY TO INFLUENCE THE OUTCOME OF AN ELECTION
22 AS A RESULT OF THE DILUTION OR THE ABRIDGEMENT OF THE RIGHTS OF VOTERS
23 WHO ARE MEMBERS OF A PROTECTED CLASS.

24 (B) A VIOLATION OF SUBSECTION (A) OF THIS SECTION IS ESTABLISHED IF:

25 (1) ELECTIONS IN A COUNTY EXHIBIT POLARIZED VOTING; AND

26 (2) THE METHOD OF ELECTION DILUTES OR ABRIDGES THE VOTING
27 STRENGTH OF MEMBERS OF A PROTECTED CLASS TO ELECT A CANDIDATE OF THE
28 MEMBERS' CHOICE OR THE MEMBERS' ABILITY TO INFLUENCE THE OUTCOME OF AN
29 ELECTION.

30 **8-904.**

1 (A) TO DETERMINE WHETHER THERE IS POLARIZED VOTING UNDER §
2 8-903(B)(1) OF THIS SUBTITLE, THE COURT SHALL CONSIDER:

3 (1) THE METHODOLOGIES FOR ESTIMATING GROUP VOTING
4 BEHAVIOR, AS APPROVED IN FEDERAL CASE LAW, TO ENFORCE THE FEDERAL
5 VOTING RIGHTS ACT OF 1965;

6 (2) ELECTIONS OF THE GOVERNING BODY OF THE COUNTY;

7 (3) BALLOT QUESTION ELECTIONS;

8 (4) ELECTIONS WHERE AT LEAST ONE CANDIDATE IS A MEMBER OF A
9 PROTECTED CLASS; AND

10 (5) OTHER ELECTORAL CHOICES THAT AFFECT THE RIGHTS AND
11 PRIVILEGES OF MEMBERS OF A PROTECTED CLASS.

12 (B) (1) ELECTIONS THAT ARE CONDUCTED BEFORE THE FILING OF AN
13 ACTION TO ENFORCE § 8-903(A) OF THIS SUBTITLE ARE MORE PROBATIVE TO
14 ESTABLISH THE EXISTENCE OF POLARIZED VOTING THAN ELECTIONS CONDUCTED
15 AFTER THE FILING OF AN ACTION.

16 (2) THE ELECTION OF CANDIDATES WHO ARE MEMBERS OF A
17 PROTECTED CLASS AND WHO WERE ELECTED BEFORE THE FILING OF AN ACTION TO
18 ENFORCE § 8-903(A) OF THIS SUBTITLE MAY NOT PRECLUDE A FINDING OF
19 POLARIZED VOTING THAT RESULTS IN AN UNEQUAL OPPORTUNITY FOR A
20 PROTECTED CLASS TO ELECT CANDIDATES OF THE MEMBERS' CHOICE.

21 (C) THE FACT THAT MEMBERS OF A PROTECTED CLASS ARE NOT
22 GEOGRAPHICALLY COMPACT OR CONCENTRATED MAY NOT PRECLUDE A FINDING OF
23 POLARIZED VOTING OR A VIOLATION OF § 8-903(A) OF THIS SUBTITLE, BUT IT MAY
24 BE A FACTOR THAT IS CONSIDERED.

25 8-905.

26 A PERSON MAY BRING AN ACTION TO ENFORCE § 8-903 OF THIS SUBTITLE IN
27 THE COUNTY WHERE THE VIOLATION ALLEGEDLY OCCURRED FOR INJUNCTIVE
28 RELIEF, DAMAGES, OR OTHER RELIEF.

29 Article – Local Government

30 SUBTITLE 6. VOTING RIGHTS – MUNICIPALITIES.

1 **4-601.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) "POLARIZED VOTING" MEANS VOTING IN WHICH THERE IS A
5 DIFFERENCE, AS DEFINED IN FEDERAL CASE LAW REGARDING ENFORCEMENT OF
6 THE FEDERAL VOTING RIGHTS ACT OF 1965, IN THE CHOICE OF CANDIDATES OR
7 OTHER ELECTORAL CHOICES THAT ARE PREFERRED BY VOTERS IN A PROTECTED
8 CLASS AND IN THE CHOICE OF CANDIDATES AND ELECTORAL CHOICES THAT ARE
9 PREFERRED BY VOTERS IN THE REST OF THE ELECTORATE.

10 (C) "PROTECTED CLASS" MEANS A CLASS OF VOTERS WHO ARE MEMBERS
11 OF A RACE, COLOR, OR LANGUAGE MINORITY GROUP, AS THIS CLASS IS REFERENCED
12 AND DEFINED IN THE FEDERAL VOTING RIGHTS ACT OF 1965 AND IN RELATED
13 FEDERAL CASE LAW.

14 **4-602.**

15 THIS SUBTITLE APPLIES ONLY TO ELECTIONS IN A MUNICIPALITY.

16 **4-603.**

17 (A) A METHOD FOR ELECTING THE GOVERNING BODY OF A MUNICIPALITY
18 MAY NOT BE IMPOSED OR APPLIED IN A MANNER THAT IMPAIRS THE ABILITY OF
19 MEMBERS OF A PROTECTED CLASS TO ELECT CANDIDATES OF THE MEMBERS'
20 CHOICE OR THE MEMBERS' ABILITY TO INFLUENCE THE OUTCOME OF AN ELECTION
21 AS A RESULT OF THE DILUTION OR THE ABRIDGEMENT OF THE RIGHTS OF VOTERS
22 WHO ARE MEMBERS OF A PROTECTED CLASS.

23 (B) A VIOLATION OF SUBSECTION (A) OF THIS SECTION IS ESTABLISHED IF:

24 (1) ELECTIONS IN A MUNICIPALITY EXHIBIT POLARIZED VOTING; AND

25 (2) THE METHOD OF ELECTION DILUTES OR ABRIDGES THE VOTING
26 STRENGTH OF MEMBERS OF A PROTECTED CLASS TO ELECT A CANDIDATE OF THE
27 MEMBERS' CHOICE OR THE MEMBERS' ABILITY TO INFLUENCE THE OUTCOME OF AN
28 ELECTION.

29 **4-604.**

30 (A) TO DETERMINE WHETHER THERE IS POLARIZED VOTING UNDER §
31 **4-603(B)(1)** OF THIS SUBTITLE, THE COURT SHALL CONSIDER:

1 (1) THE METHODOLOGIES FOR ESTIMATING GROUP VOTING
2 BEHAVIOR, AS APPROVED IN FEDERAL CASE LAW, TO ENFORCE THE FEDERAL
3 VOTING RIGHTS ACT OF 1965;

4 (2) ELECTIONS OF THE GOVERNING BODY OF THE MUNICIPALITY;

5 (3) BALLOT QUESTION ELECTIONS;

6 (4) ELECTIONS WHERE AT LEAST ONE CANDIDATE IS A MEMBER OF A
7 PROTECTED CLASS; AND

8 (5) OTHER ELECTORAL CHOICES THAT AFFECT THE RIGHTS AND
9 PRIVILEGES OF MEMBERS OF A PROTECTED CLASS.

10 (B) (1) ELECTIONS THAT ARE CONDUCTED BEFORE THE FILING OF AN
11 ACTION TO ENFORCE § 4-603(A) OF THIS SUBTITLE ARE MORE PROBATIVE TO
12 ESTABLISH THE EXISTENCE OF POLARIZED VOTING THAN ELECTIONS CONDUCTED
13 AFTER THE FILING OF AN ACTION.

14 (2) THE ELECTION OF CANDIDATES WHO ARE MEMBERS OF A
15 PROTECTED CLASS AND WHO WERE ELECTED BEFORE THE FILING OF AN ACTION TO
16 ENFORCE § 4-603(A) OF THIS SUBTITLE MAY NOT PRECLUDE A FINDING OF
17 POLARIZED VOTING THAT RESULTS IN AN UNEQUAL OPPORTUNITY FOR A
18 PROTECTED CLASS TO ELECT CANDIDATES OF THE MEMBERS' CHOICE.

19 (C) THE FACT THAT MEMBERS OF A PROTECTED CLASS ARE NOT
20 GEOGRAPHICALLY COMPACT OR CONCENTRATED MAY NOT PRECLUDE A FINDING OF
21 POLARIZED VOTING OR A VIOLATION OF § 4-603(A) OF THIS SUBTITLE, BUT IT MAY
22 BE A FACTOR THAT IS CONSIDERED.

23 **4-605.**

24 A PERSON MAY BRING AN ACTION TO ENFORCE § 4-603 OF THIS SUBTITLE IN
25 THE MUNICIPALITY WHERE THE VIOLATION ALLEGEDLY OCCURRED FOR
26 INJUNCTIVE RELIEF, DAMAGES, OR OTHER RELIEF.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2025.