

Maryland Needs Its Own Voting Rights Act



BACKGROUND

Maryland is now the most diverse state on the East Coast, and one of just two states where Black, Indigenous, and People of Color (BIPOC) have become a majority since the 2020 Census.

The Free State has made great strides in building a more open and accessible democracy in recent years and has the opportunity to become a national leader on voting rights.

Yet, substantial voter registration and turnout disparities by race persist. It is time to enact strong protections to ensure that Black, Latino, Asian American voters and Marylanders with disabilities can fully participate free from discrimination.

WHAT'S THE PROBLEM?

The history of voting discrimination in Maryland includes English literacy tests, property ownership requirements, as well as current laws that wrongfully link the right to vote to our discriminatory criminal legal system.

Currently, there is no state law preventing racial discrimination in local redistricting. Many Maryland jurisdictions still use at-large elections, which can empower a white majority to capture most or all seats, even where there is a large BIPOC population.

Other jurisdictions have faced federal lawsuits, including Baltimore County, where a federal court struck down their 2021 redistricting plan as racially discriminatory. BIPOC Marylanders face under-representation in local governments across the state, including communities with diverse populations but all-white governments.

The Maryland General Assembly has adopted some of the most progressive voting laws in the nation. Unfortunately, many voting rights abuses and discriminatory structures persist among Maryland's hundreds of local government entities simply because the legal tools and resources to investigate and fix them have been unavailable or too costly.

This is happening in part because judicial decisions over the last 30 years have chipped away at protections under the federal *Voting Rights Act*, most notably by an increasingly conservative Supreme Court.

WHAT'S THE SOLUTION?

Maryland must enact its own fully effective *Voting Rights Act* (MDVRA) building on models enacted recently in Virginia, New York, Connecticut, and other states. A MDVRA will protect BIPOC voters regardless of what direction the Supreme Court pushes federal law.

BILLS SB 660 / HB 800



Photo Credit: Tom Barrett

Through a state Voting Rights Act, Maryland can continue its march toward becoming a nationwide leader in promoting equal access to political participation and accelerate the participation of Voters of Color who have been historically denied an equal opportunity to participate in the political process.

WHAT WOULD A MARYLAND VOTING RIGHTS ACT INCLUDE?

- 1. Prohibit Vote Denial and Dilution** – The MDVRA provides a framework to ferret out vote dilution and barriers that deny voting opportunities in a way that is efficient and cost-effective for both voters and local governments in Maryland.
- 2. Provide Language Access** – The MDVRA requires local governments to ensure that non-English speakers are not left behind in the voting process. This section requires that in a locality with a population of 2 percent or more in a language minority, the local government or board of elections will provide voting materials in that language.
- 3. Stop Voter Intimidation** – The MDVRA provides Marylanders with a right to sue to challenge voter intimidation, deception, or obstruction. Strengthening this right is more important than ever, given recent efforts to stoke fear, spread disinformation, and block access to the ballot box.
- 4. Authorize Preclearance** – The MDVRA brings the most effective civil rights framework to Maryland, providing advanced approval of election changes that will stop voting discrimination before it occurs and serve as a resource to help Maryland jurisdictions avoid potentially costly litigation.
- 5. Make Private Enforcement Feasible** – The MDVRA ensures that there are adequate incentives for voters, advocacy organizations, and public-minded attorneys to protect voting rights by making available fees for attorneys and reimburse litigation costs when plaintiffs are successful in defending their rights.

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