

# SENATE BILL 255

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EMERGENCY BILL  
**ENROLLED BILL**

(6lr1322)

— *Education, Energy, and the Environment / Government, Labor, and Elections* —

Introduced by ~~Senator Sydnor~~ **Senators Sydnor and Harris**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Voting Rights Act of 2026 – Counties and Municipal Corporations**

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

9 BY adding to

10 Article – Election Law

11 Section 15.7–101 through 15.7–107 to be under the new title “Title 15.7. Voting  
12 Rights – Counties and Municipal Corporations”

13 Annotated Code of Maryland

14 (2022 Replacement Volume and 2025 Supplement)

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber / conference committee amendments.*



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 That the Laws of Maryland read as follows:

3 **Article – Election Law**

4 **TITLE 15.7. VOTING RIGHTS – COUNTIES AND MUNICIPAL CORPORATIONS.**

5 **15.7–101.**

6 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
7 INDICATED.

8 (B) “POLARIZED VOTING” MEANS VOTING IN WHICH THERE IS A  
9 DIFFERENCE IN THE CHOICE OF CANDIDATES OR OTHER ELECTORAL CHOICES THAT  
10 ARE PREFERRED BY VOTERS IN A PROTECTED CLASS AND IN THE CHOICE OF  
11 CANDIDATES AND ELECTORAL CHOICES THAT ARE PREFERRED BY ANOTHER CLASS  
12 OR SET OF CLASSES.

13 (C) “PROTECTED CLASS” MEANS A CLASS OF VOTERS WHO ARE MEMBERS  
14 OF A RACE, COLOR, OR LANGUAGE MINORITY GROUP OR A CLASS OF TWO OR MORE  
15 OF THOSE GROUPS.

16 **15.7–102.**

17 (A) THIS TITLE APPLIES ONLY TO ELECTIONS IN A COUNTY OR MUNICIPAL  
18 CORPORATION.

19 (B) THIS TITLE DOES NOT APPLY TO STATEWIDE ELECTIONS.

20 **15.7–103.**

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

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

28 (1) ELECTIONS IN A COUNTY OR MUNICIPAL CORPORATION EXHIBIT  
29 POLARIZED VOTING; AND

1           **(2) THE METHOD OF ELECTION DILUTES OR ABRIDGES THE VOTING**  
2 **STRENGTH OF MEMBERS OF A PROTECTED CLASS TO ELECT A CANDIDATE OF THE**  
3 **MEMBERS' CHOICE OR THE MEMBERS' ABILITY TO INFLUENCE THE OUTCOME OF AN**  
4 **ELECTION, AS DEMONSTRATED BY THE EXISTENCE OF ONE OR MORE METHODS OF**  
5 **ELECTION THAT COULD BE CONSTITUTIONALLY ADOPTED THAT WOULD LIKELY**  
6 **MITIGATE THE DILUTION.**

7 **15.7-104.**

8           **(A) TO DETERMINE WHETHER THERE IS POLARIZED VOTING UNDER §**  
9 **15.7-103(B)(1) OF THIS TITLE, THE COURT SHALL CONSIDER:**

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

13           **(2) ELECTIONS OF THE GOVERNING BODY OF THE COUNTY OR**  
14 **MUNICIPAL CORPORATION;**

15           **(3) BALLOT QUESTION ELECTIONS;**

16           **(4) ELECTIONS IN WHICH AT LEAST ONE CANDIDATE IS A MEMBER OF**  
17 **A PROTECTED CLASS; AND**

18           **(5) OTHER ELECTORAL CHOICES THAT AFFECT THE RIGHTS AND**  
19 **PRIVILEGES OF MEMBERS OF A PROTECTED CLASS.**

20           **(B) (1) ELECTIONS THAT ARE CONDUCTED BEFORE THE FILING OF AN**  
21 **ACTION TO ENFORCE § 15.7-103(A) OF THIS TITLE ARE MORE PROBATIVE TO**  
22 **ESTABLISH THE EXISTENCE OF POLARIZED VOTING THAN ELECTIONS CONDUCTED**  
23 **AFTER THE FILING OF AN ACTION.**

24           **(2) THE FOLLOWING MAY NOT PRECLUDE A FINDING OF POLARIZED**  
25 **VOTING THAT RESULTS IN AN UNEQUAL OPPORTUNITY FOR A PROTECTED CLASS TO**  
26 **ELECT CANDIDATES OF THE MEMBERS' CHOICE:**

27           **(I) THE ELECTION OF CANDIDATES WHO ARE MEMBERS OF A**  
28 **PROTECTED CLASS AND WHO WERE ELECTED BEFORE THE FILING OF AN ACTION TO**  
29 **ENFORCE § 15.7-103(A) OF THIS TITLE;**

30           **(II) NONQUANTITATIVE OR NONSTATISTICAL EVIDENCE; OR**

31           **(III) LOW VOTER TURNOUT OR VOTER REGISTRATION RATES**  
32 **AMONG MEMBERS OF THE PROTECTED CLASS.**

1           **(3) TO ESTABLISH THE EXISTENCE OF POLARIZED VOTING, THE**  
2 **COURT MAY NOT BE REQUIRED TO:**

3                   **(I) USE A SET NUMBER OR COMBINATION OF ELECTIONS; OR**

4                   **(II) CONSIDER THE CAUSES OF OR REASONS FOR POLARIZED**  
5 **VOTING, INCLUDING PARTISAN EXPLANATIONS OR DISCRIMINATORY INTENT.**

6           **(C) THE FACT THAT MEMBERS OF A PROTECTED CLASS ARE NOT**  
7 **GEOGRAPHICALLY COMPACT OR CONCENTRATED MAY NOT PRECLUDE A FINDING OF**  
8 **POLARIZED VOTING OR A VIOLATION OF § 15.7-103(A) OF THIS TITLE, BUT IT MAY**  
9 **BE A FACTOR THAT IS CONSIDERED IN DETERMINING AN APPROPRIATE REMEDY.**

10 **15.7-105.**

11           **IN DETERMINING WHETHER A VIOLATION OF § 15.7-103(A) OF THIS TITLE HAS**  
12 **OCCURRED WITH RESPECT TO A PROTECTED CLASS, THE COURT MAY CONSIDER**  
13 **EVIDENCE RELEVANT TO WHETHER PROTECTED CLASS MEMBERS ARE VULNERABLE**  
14 **TO OR OTHERWISE AT RISK OF VOTING DISCRIMINATION, INCLUDING:**

15                   **(1) THE HISTORY AND EFFECTS OF DISCRIMINATION AGAINST THE**  
16 **PROTECTED CLASS; AND**

17                   **(2) THE EXTENT TO WHICH PROTECTED CLASS MEMBERS ENCOUNTER**  
18 **BARRIERS, DISPARITIES, OR HOSTILITY REGARDING POLITICAL PARTICIPATION**  
19 **AND CIVIC LIFE.**

20 **15.7-106.**

21           **(A) THE OFFICE OF THE ATTORNEY GENERAL AND ANY OTHER PERSON MAY**  
22 **BRING AN ACTION TO ENFORCE § 15.7-103 OF THIS TITLE IN THE COUNTY WHERE**  
23 **THE VIOLATION ALLEGEDLY OCCURRED FOR INJUNCTIVE RELIEF, DAMAGES, OR**  
24 **OTHER RELIEF.**

25           **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE COURT**  
26 **FINDS A VIOLATION OF THIS TITLE, THE COURT SHALL HAVE BROAD AUTHORITY TO**  
27 **ORDER APPROPRIATE REMEDIES THAT ARE TAILORED TO ADDRESS THE VIOLATION.**

28                   **(2) A COURT MAY NOT ORDER THE ADOPTION OF A METHOD OF**  
29 **ELECTION THAT IS INCONSISTENT WITH THE METHODS OF ELECTION IN USE IN**  
30 **COUNTIES IN THE STATE WITHOUT THE CONSENT OF THE RELEVANT JURISDICTION.**

1           **(C) (1) THE COURT SHALL CONSIDER REMEDIES PROPOSED BY ANY**  
2 **PARTIES TO THE ACTION OR INTERESTED PARTIES.**

3           **(2) THE COURT MAY NOT GIVE DEFERENCE OR PRIORITY TO A**  
4 **PROPOSED REMEDY BECAUSE IT IS PROPOSED BY A COUNTY OR MUNICIPAL**  
5 **CORPORATION.**

6           **(D) A COURT MAY GRANT PRELIMINARY RELIEF REQUESTED UNDER THIS**  
7 **SECTION REGARDING AN UPCOMING ELECTION IF THE COURT DETERMINES:**

8           **(1) THAT THE PARTY IS MORE LIKELY THAN NOT TO SUCCEED ON THE**  
9 **MERITS; AND**

10           **(2) IT IS POSSIBLE TO IMPLEMENT AN APPROPRIATE REMEDY THAT**  
11 **WOULD RESOLVE THE VIOLATION ALLEGED UNDER THIS SECTION BEFORE THE**  
12 **ELECTION.**

13 **15.7–107.**

14           **(A) IN AN ACTION TO ENFORCE THIS TITLE, THE COURT MAY AWARD**  
15 **REASONABLE ATTORNEY’S FEES AND LITIGATION COSTS, INCLUDING EXPERT**  
16 **WITNESS FEES AND EXPENSES TO A PRIVATE PLAINTIFF THAT PREVAILED IN THE**  
17 **ACTION.**

18           **(B) A PRIVATE PLAINTIFF WILL BE DEEMED TO HAVE PREVAILED IN AN**  
19 **ACTION WHEN, AS A RESULT OF THE ACTION, THE COUNTY OR MUNICIPAL**  
20 **CORPORATION YIELDS SOME OR ALL OF THE RELIEF SOUGHT IN THE ACTION.**

21           SECTION 2. AND BE IT FURTHER ENACTED, That, if a court issues a holding  
22 that affects the application of a provision of this Act, the ruling does not affect other  
23 provisions or any other application of this Act that can be given effect without the affected  
24 provision or application, and for this purpose the provisions of this Act are declared  
25 severable.

26           SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
27 measure, is necessary for the immediate preservation of the public health or safety, has  
28 been passed by a yea and nay vote supported by three–fifths of all the members elected to  
29 each of the two Houses of the General Assembly, and shall take effect from the date it is  
30 enacted.