

WHY MARYLAND NEEDS ITS OWN *Voting Rights Act*

The right to vote is a fundamental part of our democracy. Everyone's vote must count equally.

But in many Maryland counties, cities, and towns, the local election systems in place dilute votes of Black, Indigenous, and People of Color (BIPOC). On the cusp of federal rollbacks of voting rights protections, it is time for Maryland to protect Marylander's voting rights. The *Maryland Voting Rights Act* (MDVRA) would give counties, cities, and towns the opportunity to make their elections fairer, and give BIPOC voters an equal vote. **In 2024, it is time we pass a *Maryland Voting Rights Act*.**

BIPOC PEOPLE ARE UNDERREPRESENTED IN COUNTY GOVERNMENTS

- 75% of Maryland counties have substantial BIPOC populations.*
- 1/3 of those Maryland counties with substantial BIPOC populations have all-white governments.

Even counties that have some BIPOC representation, vote dilution is still present, and BIPOC people are underrepresented:

- **Baltimore County:** Ordered by a federal judge to re-draw its district lines; but the Federal VRA has allowed the county to implement a plan that continues to dilute the vote, where there remains only a single Black opportunity district. The last Council election resulted in 6 out of 7 seats being occupied by white representatives. (See *Baltimore County Branch of NAACP v. Baltimore County*, No. 21-CV-03232-LKG, 2022 WL 657562, [D. Md. Feb. 22, 2022].)
- **Wicomico County:** Mixed at-large and district system, where the white population holds 60% of the population, and control 6 out of 7 seats on the council. If the County were to re-district, as they must, a second Black opportunity district could be created, and create 2 out of 7 BIPOC opportunity districts. (See *Wicomico County Branch of NAACP v. Wicomico County*, No. 23-CV-03325-MJM [D. Md. Dec. 7, 2023].)

MARYLAND NEEDS A VOTING RIGHTS ACT BECAUSE:

1. BIPOC voters are underrepresented in their local governments.
2. Solving this problem through lawsuits is expensive, slow, and inefficient.
3. The federal Voting Rights Act of 1965 (VRA) cannot comprehensively fix vote dilution like the MDVRA can.

aclu-md.org/mdga25



THE POWER OF FIXING ELECTION SYSTEMS TO MAKE THEM MORE FAIR: A MUNICIPAL EXAMPLE

The town of Federalsburg faced an all-white government for 200 years.

That finally changed in 2023 when 7 Black women from Federalsburg sued the town for diluting their right to vote through the town's at-large system.

The federal lawsuit involved extensive and expensive expert analysis and testimony and a year's worth of advocacy until the court ordered a new election plan be produced. That plan changed the at-large system into a district system.

The people of Federalsburg were finally able to elect two Black women to the Council.

"I've been here all my life, 68 years. I haven't seen no African American on the board. But we're not going back. We're going forward. It's time for a change getting young African Americans on that board."

– **Roberta Butler**

A Black woman, voter, and lifelong resident of Federalsburg

BIPOC PEOPLE ARE UNDERREPRESENTED IN MUNICIPAL GOVERNMENTS

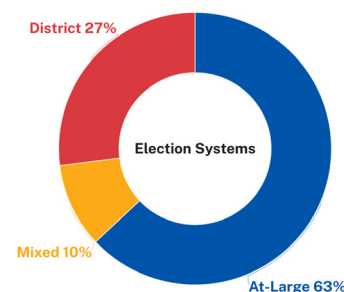
- 54% of the municipalities in Maryland have substantial BIPOC populations.*
- Of the municipalities with substantial BIPOC populations, 23% have all-white governments

Some municipalities are particularly egregious:

- There are 18 municipalities with over 80% BIPOC populations (less than 20% white).
- In 7 of them, BIPOC representatives hold less than half of the seats in their municipal governments.

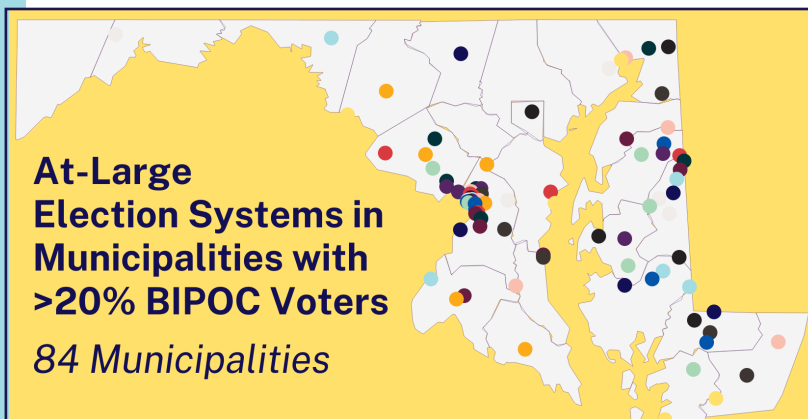
AT-LARGE ELECTION SYSTEMS ARE COMMON ACROSS MARYLAND

- In municipalities with a substantial BIPOC population,* 73% of them have a mixed at-large and district-based election system, and 63% have an at-large system only.



At-Large Election Systems in Municipalities with >20% BIPOC Voters

84 Municipalities



GLOSSARY

- **County:** A county is a political or administrative subdivision of a state. In Maryland, we have 24 counties. They all have county-level governments
- **Municipality:** A municipality is a town or city that has its own local government, usually created by a town or city charter, which is like a local constitution.
- **District-Based Election System:** In a district-based election system, a county, city, or town is divided into separate districts, where voters who live in that district can only vote for a candidate to represent them from that geographic subdivision. Districts are the most common legal remedy that courts use to fix at-large election systems. However, districts can still dilute votes if drawn unfairly.
- **At-Large Election System:** In at-large elections, the entire electorate of a town, city, or county votes for the elected official. At-large systems have been used to dilute BIPOC votes because you only need a bare majority to win the seat. Therefore, a 50% white population could elect all of the seats to the local government, shutting out the possibility of a BIPOC candidate from winning.