



Senate Bill 255

Voting Rights Act of 2026 - Counties and Municipal Corporations

MACo Position: **OPPOSE**

To: Government, Labor, and Elections
Committee

Date: April 1, 2026

From: Kevin Kinnally

The Maryland Association of Counties (MACo) **OPPOSES** SB 255. This bill creates a new State-law cause of action to challenge local election systems, exposing counties to significant litigation risk, costs, and court-ordered changes, without clear guardrails or a defined role for local governments in resolving concerns before litigation.

SB 255 allows the Attorney General or any private party to bring an action in state court alleging that a county election method impairs the ability of a protected class to elect candidates of choice or influence outcomes. The bill applies a broad and fact-intensive standard tied to polarized voting and the availability of alternative election methods, creating considerable uncertainty for counties that rely on established, lawful election structures.

The bill authorizes courts to impose sweeping remedies – including restructuring local election systems, with significant policy and governance implications for counties – but provides no advance notice, consultation, or opportunity for local governments to address concerns before litigation begins.

The bill also enables courts to award reasonable attorney's fees and litigation costs, including expert witness fees, to a prevailing private plaintiff, allowing recovery even where the plaintiff succeeds on only a portion of the claims or obtains limited relief. That provision creates misaligned incentives for litigation and exposes counties to substantial and unpredictable financial liability, even when acting in good faith under existing law. Defending these claims will require costly expert analysis, legal representation, and potential system changes, diverting limited local resources from schools, public safety, public health, and core county services.

Counties support fair and representative election systems and comply with existing federal and state law. However, SB 255 creates a parallel enforcement framework that increases litigation exposure and costs without providing a clear, collaborative process for resolving concerns at the local level.

For these reasons, MACo urges the Committee to issue an **UNFAVORABLE** report on SB 255.