

**SB0342/403924/1**

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 342  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Municipalities**” and substitute “**Municipal Corporations**”; in line 4, strike “municipality” and substitute “municipal corporation”; in line 7, after “class;” insert “providing for the application of this Act if a court issues a certain holding;”; in line 8, strike “municipalities” and substitute “municipal corporations”; in line 11, strike “8-905” and substitute “8-906”; in line 12, after “Counties” insert “and Municipal Corporations”; and strike in their entirety lines 15 through 20, inclusive.

AMENDMENT NO. 2

On page 1, in line 24, after “**COUNTIES**” insert “**AND MUNICIPAL CORPORATIONS**”.

On page 2, in lines 15, 18, and 25, in each instance, after “**COUNTY**” insert “**OR MUNICIPAL CORPORATION**”; and in line 29, after “**ELECTION**” insert “**, AS DEMONSTRATED BY THE EXISTENCE OF ONE OR MORE METHODS OF ELECTION THAT COULD BE CONSTITUTIONALLY ADOPTED THAT WOULD LIKELY MITIGATE THE DILUTION**”.

On page 3, in line 6, after “**COUNTY**” insert “**OR MUNICIPAL CORPORATION**”; in line 24, after “**CONSIDERED**” insert “**IN DETERMINING AN APPROPRIATE REMEDY**”; after line 25, insert:

**“IN DETERMINING WHETHER A VIOLATION OF § 8-903(A) OF THIS SUBTITLE HAS OCCURRED WITH RESPECT TO A PROTECTED CLASS, THE COURT MAY CONSIDER EVIDENCE RELEVANT TO WHETHER PROTECTED CLASS MEMBERS ARE**

VULNERABLE TO OR OTHERWISE AT RISK OF VOTING DISCRIMINATION, INCLUDING:

(1) THE HISTORY AND EFFECTS OF DISCRIMINATION; AND

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

8-906.”;

in line 26, strike “A” and substitute “(A) THE OFFICE OF THE ATTORNEY GENERAL AND ANY OTHER”; and after line 28, insert:

“(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE COURT FINDS A VIOLATION OF THIS SUBTITLE, THE COURT SHALL HAVE BROAD AUTHORITY TO OTHER APPROPRIATE REMEDIES THAT ARE TAILORED TO ADDRESS THE VIOLATION.

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

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

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

SB0342/403924/01 Education, Energy, and the Environment Committee  
Amendments to SB 342  
Page 3 of 3

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

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

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

**AMENDMENT NO. 3**

On pages 3 through 5, strike in their entirety the lines beginning with line 29 on page 3 through line 26 on page 5, inclusive.

On page 5, after line 26, insert:

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

and in line 27, strike “2.” and substitute “3.”.