

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 450
Ways and Means

(Delegate Henson)

Election Law – Polling Sites – Firearms Prohibitions

This bill prohibits a person from (1) carrying or displaying a firearm on the premises of a privately or publicly owned building being used as a polling site during an election, including in a parking lot, or (2) carrying or possessing a firearm within 100 feet of a polling site during an election. The prohibition does not apply to an individual carrying or displaying a firearm within 100 feet of a polling site if required by law or by regulation adopted by the State Board of Elections (SBE) in connection with ballot security activities. A person who violates the bill’s prohibition without knowing that the act is illegal must pay a civil penalty and have the matter adjudicated under provisions that allow for a penalty of up to \$5,000.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: The bill is not expected to materially affect local government finances.

Small Business Effect: None.

Analysis

Current Law: With certain exceptions, a person may not attire or equip an individual, or permit an individual to be attired or equipped, in a manner which creates the appearance that the individual is performing an official or governmental function in connection with an election, including carrying or displaying a gun or badge within 100 feet of a polling site on Election Day, except as required by law or by regulation adopted by SBE in connection with ballot security activities. A person who violates that prohibition without

knowing that the act is illegal must pay a civil penalty and have the matter adjudicated under provisions that allow for a penalty of up to \$5,000. Civil penalties imposed under those provisions are distributed to the Fair Campaign Financing Fund.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 10 (Senators Waldstreicher and Ferguson) - Education, Health, and Environmental Affairs.

Information Source(s): State Board of Elections; Office of the State Prosecutor; Maryland State Police; Department of Legislative Services

Fiscal Note History: First Reader - January 31, 2021
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