

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 329 (Senators Waldstreicher and Ferguson)
Education, Health, and Environmental Affairs

Election Law - Polling Sites - Firearms Prohibitions

This emergency bill, subject to exceptions, establishes specified prohibitions against a person carrying, displaying, or possessing a firearm in or around a polling site.

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

Bill Summary: The 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 (ft.) of a polling site during an election.

The prohibitions do not apply to an individual carrying or displaying a firearm within 100 ft. 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.

An individual is not in violation of the bill's prohibitions if the individual is (1) a law enforcement officer in the regular course of the officer's duty or (2) an off-duty law enforcement officer, if the officer is displaying the officer's badge or credential and the

weapon carried or possessed by the officer is concealed. An individual is not in violation of the bill's prohibition against a person carrying or possessing a firearm within 100 ft. of a polling site during an election if (1) the individual is legally in possession of a firearm; (2) the residence of the individual is within 100 ft. of a privately or publicly owned building being used as a polling site during an election; and (3) the individual is transferring the firearm to the individual's residence or vehicle within 100 ft. of a polling place.

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.

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 ft. 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: SB 10 of 2021 passed in the Senate with amendments and received a hearing in the House Ways and Means Committee, but no further action was taken. Its cross file, HB 450, received a hearing in the House Ways and Means Committee, but no further action was taken.

Designated Cross File: HB 30 (Delegate Henson) - Ways and Means.

Information Source(s): State Board of Elections; Baltimore City; Caroline, Howard, Montgomery, and Prince George's counties; Office of the State Prosecutor; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2022
js/hlb

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