

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 580
Ways and Means

(Delegate Henson)

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. A person who violates the bill’s prohibitions is subject to a civil penalty not exceeding \$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

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 prohibitions is subject to a civil penalty not exceeding \$5,000. Civil penalty procedures outlined under § 13-604.1 of the Election Law Article of the Maryland Code apply to the imposition of a civil penalty under the bill.

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.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See SB 329 and HB 30 of 2022 and SB 10 and HB 450 of 2021.

Designated Cross File: None.

Information Source(s): Howard and Prince George's counties; Judiciary (Administrative Office of the Courts); State Prosecutor's Office; Department of State Police; Maryland State Board of Elections; Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2023
km/sdk

Analysis by: Arnold H. Adja

Direct Inquiries to:
(410) 946-5510
(301) 970-5510