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Testimony of Kelsey Rogers, Senior Manager, State Policy
Support for SB 329
Before the Maryland Senate Education, Health & Environmental Affairs Committee
February 23, 2022

Chairman Pinsky, Vice-Chair Kagan, and Distinguished Members of the Maryland Senate Education, Health & Environmental Affairs Committee,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike, to take action, not sides, and end America's gun violence epidemic. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah, led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah's legacy by uniting Americans from coast to coast, red and blue, young and old, liberal and conservative, to combat the epidemic of gun violence.

Thank you for allowing us to submit testimony before this committee today. **SB 329 will protect Maryland residents from an armed threat to one of America's most valuable democratic institutions: voting.** Now more than ever, voter intimidation is a legitimate concern for future elections; it falls to state and local officials to take proactive steps to ensure the laws are enforced, hence why this bill is so incredibly important.

Allowing firearms at polling stations is voter intimidation, plain and simple. The presence of guns at or around polling places poses a danger to the process of fair and free elections simply because of the inherent threat to voters' emotional and physical well-being. Voter intimidation is not only dangerous, it is unlawful. It is against the law to engage in any efforts to intimidate, threaten, or coerce a voter to vote or not vote, or to vote for or against a particular candidate.¹

¹ 52 U.S.C. §§ 10101(b), 10307(b).

Voter intimidation or suppression has many forms,² but the most dangerous form is armed intimidation, which further contributes to the growing gun violence epidemic in our nation. Armed intimidation threatens one of our most fundamental rights in democracy's most sensitive location - the voting booth.

The bill before you today – SB 329 - would prohibit bringing a firearm within 100 feet of a polling site during an election, and prevents individuals from carrying or displaying a firearm on the premises of a polling site, including in parking lots. Ensuring that individuals are not confronted with firearms in an intimidating or threatening manner while exercising their sacred right at the ballot box is of utmost importance to preserving and defending all tenets of our democracy.

Threats of armed intimidation have grown in size and scale, and these threats have directly impacted the lives of Maryland residents. This issue is one that has plagued a variety of states, and is of chief concern for law enforcement officers and election officials alike. Two months prior to the 2020 election, the United States Department of Homeland Security released a draft threat assessment that asserted “open-air, publicly accessible parts of physical election infrastructure,” including polling places and voter registration events, could be “flash points for potential violence.”³

This bill poses no threat to the Second Amendment rights of Marylanders, as the Supreme Court has recognized that the prohibition of guns in sensitive places - in this case, polling places - is one of several “presumptively lawful regulatory measures.”⁴ There are common sense solutions that we know are necessary to protect the electoral rights of the people of Maryland, and this bill is one of them. Further, this bill includes exemptions for law enforcement officers and for those in homes or lawfully traveling on public roads within 100 feet of a polling place. These exemptions help to ensure that this law narrowly targets its intended goal: to prevent armed threats and intimidation, and does not inadvertently punish or penalize those who are legally using their firearms within their property or transporting them in a vehicle.

The rate of firearm ownership has grown exponentially alongside deepening ideological divides; this potent combination has led to the proliferation and increased threat of extremist militia organizations nationwide that continue to use firearms in threatening and intimidating ways,

² Sec. of State Katie Hobbs, et al., *Arizona Election Procedures Manual*, ARIZONA SECRETARY OF STATE'S OFFICE ELECTION SERVICES DIV., (Dec. 2019), https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf at pages 180–181 (including aggressive, threatening, or offensive behavior directed at voters or poll workers; blocking access to a voting location; disrupting voting lines; disseminating false or misleading information; and falsely accusing others of “voter fraud”).

³ Danny Hakim, et al., Trump Renews Fears of Voter Intimidation as G.O.P. Poll Watchers Mobilize, *The New York Times*, Sep. 30, 2020, <https://www.nytimes.com/2020/09/30/us/trump-election-poll-watchers.html>.

⁴ See *District of Columbia v. Heller*, 544 U.S. 570, 627 n.26 (2008).

including near or at polling locations or outside recount locations. Clear instances of armed voter intimidation plagued the 2020 election⁵ and public officials must assume that this behavior will continue in order to best protect their constituents. Proactive steps like SB 329 must be taken to ensure the safety and security of our electorate.

For all of these reasons, The Brady Campaign to Prevent Gun Violence strongly encourages this Committee to vote in favor of SB 329 to protect all Maryland voters from encountering armed intimidation at polling places and ensuring that our democratic processes remain free and fair. This action is necessary and within your authority to ensure that voters in your state are protected and can vote safely and without intimidation or risk.

⁵ Tom Porter, Trump supporters staged a rally at a Virginia polling center during early voting, intimidating voters, election officials say, BUSINESS INSIDER (Sep. 20, 2020), <https://www.businessinsider.com/virginia-trump-supporters-intimidated-voters-disrupt-early-voting-2020-9>; *Armed Protesters Inspire Fear, Chill Free Speech*, GIFFORDS LAW CENTER (Aug. 31, 2020), <https://giffords.org/lawcenter/report/armed-protesters-inspire-fear-chill-free-speech/>.