



**2A Maryland**

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**Senate Bill 329**  
**Election Law – Polling Sites – Firearms Prohibitions**  
**UNFAVORABLE**

Senate Bill 329 seeks to make illegal the simple possession a firearm within a certain distance of a polling site on election day. Most of the State’s polling sites are in schools and firearms are already prohibited. Approximately 18 of the 312 traditional “brick & mortar” polling sites will be impacted.

However, because the term “polling site” is not defined, this Bill casts a wide net to snare innocent citizens. Potentially all election ballots drop box locations, and postal service street corner mailboxes, parking lots, adjacent public streets and private dwellings could become unmarked prohibited areas of undetermined size and boundaries. The true extent of the impact this Bill will not be known until the Board of Elections determines where the drive through ballot boxes will be located.<sup>1</sup>

While there is limited protection in the Bill for individuals whose residence is within 100 feet of a polling place, that protection applies only in the brief period the individual is “transferring the firearm to the individual’s residence or vehicle within 100 feet of the polling place.” Possession of a firearm within a residence which is located within 100 feet of a polling site is not exempted and is thus prohibited. This effectively eliminates the protections contained in §16-904 (C)(2) and may well violate recent United States Supreme Court rulings addressing the possession of a firearm in the home.

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Violating §16-904 (D) subjects an individual to prosecution for a civil offense punishable by a fine; but the fine applies only if the offender unknowingly violates the law. Intentional violations are not even addressed. Thus, it appears that the true impact of Senate Bill 329 will be to harass and intimidate the law-abiding gun owner. This amounts to nothing less than government sponsored voter suppression.

Senate Bill 329 is a solution to an imagined, but non-existent problem. There are no documented incidents of persons displaying firearms at Maryland polling sites, much less attempting to intimidate voters.

Senate Bill 329 is unenforceable for all practical purposes and does not address the intentional violation should that ever occur. Sufficient laws are already in place, Senate Bill 329 is unnecessary and misguided.

We respectfully request an unfavorable report on Senate Bill 329.

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1. <https://elections.maryland.gov/voting/absentee.html>