



**Committee:** Education, Health and Environmental Affairs

**Testimony on:** SB0329 - Election Law – Polling Sites – Firearms Prohibitions

**Position:** Favorable

**Hearing Date:** February 23, 2022

**Bill Contact:** Senators Jeff Waldstreicher and Bill Ferguson

DoTheMostGood (DTMG) is a progressive grass-roots organization with more than 3000 members in all districts in Montgomery County as well as in several nearby jurisdictions. DTMG supports legislation and activities that keep all the members of our communities healthy and safe in a clean environment, uplift all members of our communities, and promote equity across all our communities. DTMG strongly supports SB0329 because everyone must be able to feel safe in all of our polling places.

In the United States, the right to vote is fundamental to our democracy, and our elected officials must ensure that all eligible citizens have access to vote. In every election, our polling places are also staffed with hundreds of volunteers. It is imperative that all voters and polling place volunteers feel safe in and around polling places. However, recent events raise concerns about armed intimidators acting to prevent citizens from casting their ballot.

SB0329 will directly address this concern by prohibiting anyone except law enforcement officers from carrying or displaying any type of firearm at and within 100 feet of a polling site, including in a parking lot, during an election. This is a commonsense provision for the safety of voters and poll workers and to reduce voter intimidation.

There is a long history of using weapons to intimidate voters, particularly voters of color. During and after Reconstruction, guns were often used to scare Black voters away from the polls. Under a 1982 consent decree, the Republican National Committee agreed to refrain from sending squads of armed people to patrol polling places in Black and Latino neighborhoods. The patrols were ostensibly to prevent voter fraud but had the effect of intimidating and deterring would-be voters. That decree is no longer in effect, but conspiracy theories, false stories about ballot security and voter fraud, and recent armed political protests raise a similar set of risks today.

Private citizens with firearms demonstrated at polling places in several states during the 2016, 2018, and 2020 elections. In the week before the 2016 election, Guns Down America launched a campaign to give voters a way to report instances of armed intimidation at polling places. In less than twelve hours, 85 voters in 28 states reported seeing firearms at the polls. These incidents were reported by Voter Protection Hotline personnel to local law enforcement and election authorities. Similarly, during the 2018 midterm elections, then-NRA spokesperson Dana Loesch suggested that NRA supporters may need to bring guns to polling locations to fend off attacks from “anti-gun progressives”. There were armed demonstrations outside of a northern Virginia early voting site ahead of the November 2020 election.

Polling places are already heavily regulated in a variety of ways to preserve what the Supreme Court called an “island of calm” for voters. All states prohibit “electioneering” at polling places, such as campaigning, displaying signs, or even wearing campaign clothing or buttons in or near voting sites. But only six states and the District of Columbia prohibit open carry of firearms at polling places and just a handful of others prohibit concealed carrying (though additional restrictions may apply if, for example, the polling place is in a school or other building where guns are already prohibited).

Without a “bright-line” rule like that proposed in SB0329, gun carriers must still comply with legal prohibitions against voter intimidation and brandishing a weapon as a threat. But those laws require the government to make discretionary calls about, for example, whether a particular individual is intimidating. Such judgments are prone to racial and other forms of bias, while also leaving gun owners subject to the whims of local officials.

There are already too many impediments to voting. Fear of people with guns at polling places should not be one of them. Therefore, DTMG strongly supports SB0329 and urges a **FAVORABLE** report on this bill.

Respectfully submitted,

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