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**TO:** The Honorable Vanessa Atterbear  
Chair, Ways and Means Committee

**FROM:** Hannibal G. Williams II Kemerer  
Chief Counsel, Legislative Affairs, Office of the Attorney General

**RE:** HB580 - Election Law – Polling Sites – Firearms Prohibitions – **(Support)**

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The Office of Attorney General urges this Committee to report favorably Delegate Henson's HB 580. This legislation makes pellucidly clear that no one can carry or display a firearm at, or within 100 feet of, a polling place during an election. If enacted, those who violate the statute would be subject to a civil penalty of up to \$5,000.

The 2020 election and its aftermath illustrated that passions run high across the country. Permitting individuals to display or carry firearms in the context of high passions and a deeply divided electorate is a recipe for disaster. Moreover, the presence of armed individuals at polls causes voter intimidation and coercion.<sup>1</sup> House Bill 580 is an appropriate means to deter such voter intimidation.

For the foregoing reasons, we urge a favorable report on HB 580

cc: The Hon. Shaneka Henson & Committee Members

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<sup>1</sup> See Mark Berman, Guns at voting sites emerge as flash point in Michigan amid nationwide election tension, Wash. Post (Oct. 26, 2020), available online at [https://www.washingtonpost.com/national/guns-at-voting-sites-emerge-as-flash-point-in-michigan-amid-nationwide-election-tension/2020/10/26/27c72488-17ce-11eb-82db60b15c874105\\_story.html](https://www.washingtonpost.com/national/guns-at-voting-sites-emerge-as-flash-point-in-michigan-amid-nationwide-election-tension/2020/10/26/27c72488-17ce-11eb-82db60b15c874105_story.html) (quoting UCLA Professor Adam Winkler for the proposition that "Polling places are not the kind of place where firearms are likely to do any good. . . and given the history of voter intimidation in America . . . it'd be best to prohibit guns in polling places."); Arit John, Can people carry guns into polling places? You might be surprised, LA Times (Oct. 26, 2020), <https://www.latimes.com/politics/story/2020-10-20/guns-in-polling-places> ("Growing activity from armed far-right groups and President Trump's calls for his supporters to watch polling places 'very carefully' have raised concerns of possible disruptions or voter intimidation ahead of the Nov. 3 election.").

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or [sbrantley@oag.state.md.us](mailto:sbrantley@oag.state.md.us)