

SENATE BILL 10

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(PRE-FILED)

1lr1089
CF 1lr1750

By: **Senators Waldstreicher and Ferguson**

Requested: October 23, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – Polling Sites – Firearms Prohibitions**

3 FOR the purpose of prohibiting a person from carrying or displaying a firearm on certain
4 premises or carrying or possessing a firearm within a certain number of feet of a
5 polling site during an election, subject to a certain exception; establishing a certain
6 civil penalty for a certain violation; defining a certain term; making conforming
7 changes; and generally relating to prohibiting firearms in polling sites during an
8 election.

9 BY repealing and reenacting, with amendments,
10 Article – Election Law
11 Section 16–903 and 16–1002
12 Annotated Code of Maryland
13 (2017 Replacement Volume and 2020 Supplement)

14 BY adding to
15 Article – Election Law
16 Section 16–904
17 Annotated Code of Maryland
18 (2017 Replacement Volume and 2020 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Election Law**

22 16–903.

23 (a) Except as provided in subsection (b) of this section, a person may not attire or
24 equip an individual, or permit an individual to be attired or equipped, in a manner which

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 creates the appearance that the individual is performing an official or governmental
2 function in connection with an election, including:

3 (1) wearing a public or private law enforcement or security guard uniform;

4 (2) using an armband; or

5 (3) except as required by law or by regulation adopted by the State Board
6 in connection with ballot security activities, carrying or displaying a [gun] **FIREARM, AS**
7 **DEFINED IN § 16-904(A) OF THIS SUBTITLE**, or badge within 100 feet of a polling site on
8 election day.

9 (b) (1) A law enforcement officer or security guard who is on duty or traveling
10 to or from duty may vote while wearing a uniform.

11 (2) A law enforcement officer who is performing an official governmental
12 function may wear a uniform at a polling site.

13 (c) A person who violates this section is subject to the civil penalty specified under
14 § 16-1002 of this title.

15 **16-904.**

16 (A) (1) **IN THIS SECTION, “FIREARM” MEANS A WEAPON THAT EXPELS, IS**
17 **DESIGNED TO EXPEL, OR MAY READILY BE CONVERTED TO EXPEL A PROJECTILE BY**
18 **THE ACTION OF AN EXPLOSIVE.**

19 (2) **“FIREARM” INCLUDES AN ANTIQUE FIREARM, A HANDGUN, A**
20 **RIFLE, A SHOTGUN, A SHORT-BARRELED RIFLE, A SHORT-BARRELED SHOTGUN, A**
21 **STARTER GUN, OR ANY OTHER FIREARM, WHETHER LOADED OR UNLOADED.**

22 (B) **EXCEPT AS PROVIDED IN § 16-903 OF THIS SUBTITLE, A PERSON MAY**
23 **NOT:**

24 (1) **CARRY OR DISPLAY A FIREARM ON THE PREMISES OF A PRIVATELY**
25 **OR PUBLICLY OWNED BUILDING BEING USED AS A POLLING SITE DURING AN**
26 **ELECTION, INCLUDING IN A PARKING LOT; OR**

27 (2) **CARRY OR POSSESS A FIREARM WITHIN 100 FEET OF A POLLING**
28 **SITE DURING AN ELECTION.**

29 (C) **A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO THE CIVIL**
30 **PENALTY SPECIFIED UNDER § 16-1002 OF THIS TITLE.**

31 16-1002.

1 A person who violates § 16–201(a)(6) or (7) [or], § 16–903, **OR § 16–904** of this title
2 without knowing that the act is illegal shall pay a civil penalty and have the matter
3 adjudicated in accordance with § 13–604 of this article.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2021.