

SENATE BILL 10

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(PRE-FILED)

1lr1089
CF HB 450

By: **Senators Waldstreicher and Ferguson**

Requested: October 23, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 19, 2021

CHAPTER _____

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~~ certain exceptions;
6 establishing a certain civil penalty for a certain violation; defining a certain term;
7 making conforming changes; and generally relating to prohibiting firearms in polling
8 sites during an 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:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Election Law**

2 16–903.

3 (a) Except as provided in subsection (b) of this section, a person may not attire or
4 equip an individual, or permit an individual to be attired or equipped, in a manner which
5 creates the appearance that the individual is performing an official or governmental
6 function in connection with an election, including:

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

8 (2) using an armband; or

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

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

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

17 (c) A person who violates this section is subject to the civil penalty specified under
18 § 16–1002 of this title.

19 **16–904.**

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

23 (2) **“FIREARM” INCLUDES AN ANTIQUE FIREARM, A HANDGUN, A**
24 **RIFLE, A SHOTGUN, A SHORT–BARRELED RIFLE, A SHORT–BARRELED SHOTGUN, A**
25 **STARTER GUN, OR ANY OTHER FIREARM, WHETHER LOADED OR UNLOADED.**

26 (B) **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION AND §**
27 **16–903 OF THIS SUBTITLE, A PERSON MAY NOT:**

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

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

1 **(C) AN INDIVIDUAL IS NOT IN VIOLATION OF SUBSECTION (B)(2) OF THIS**
2 **SECTION IF:**

3 **(1) THE INDIVIDUAL IS LEGALLY IN POSSESSION OF A FIREARM;**

4 **(2) THE RESIDENCE OF THE INDIVIDUAL IS WITHIN 100 FEET OF A**
5 **PRIVATELY OR PUBLICLY OWNED BUILDING BEING USED AS A POLLING SITE DURING**
6 **AN ELECTION; AND**

7 **(3) THE INDIVIDUAL IS TRANSFERRING THE FIREARM TO THE**
8 **INDIVIDUAL’S RESIDENCE OR VEHICLE WITHIN 100 FEET OF A POLLING PLACE.**

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

11 16-1002.

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.