

SENATE BILL 857

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CF 6lr1733

By: Senator Waldstreicher

Introduced and read first time: February 6, 2026

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Civic and Related Activities – Protection**
3 **(Maryland Employee Civic Activity and Lawful Expression Protection Act)**

4 FOR the purpose of authorizing an employer to require an applicant to disclose the
5 applicant's engagement in certain actions only if the disclosure is related to specific
6 job requirements; prohibiting an employer from taking certain adverse action
7 against an employee if the employee engages in certain activity; and generally
8 relating to protection for employees for civic activity.

9 BY adding to

10 Article – Labor and Employment
11 Section 3–1901 through 3–1908 to be under the new subtitle “Subtitle 19. Maryland
12 Employee Civic Activity and Lawful Expression Protection Act”
13 Annotated Code of Maryland
14 (2025 Replacement Volume)

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

17 **Article – Labor and Employment**

18 **SUBTITLE 19. MARYLAND EMPLOYEE CIVIC ACTIVITY AND LAWFUL EXPRESSION**
19 **PROTECTION ACT.**

20 **3–1901.**

21 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) “ADVERSE ACTION” INCLUDES DISCHARGE, DEMOTION, DISCIPLINE,**
2 **FAILURE TO PROMOTE, REDUCTION OF COMPENSATION, REASSIGNMENT WITH**
3 **MATERIALLY ADVERSE TERMS, OR ANY OTHER ACTION THAT WOULD DISSUADE A**
4 **REASONABLE INDIVIDUAL FROM ENGAGING IN ACTIVITY PROTECTED UNDER THIS**
5 **SUBTITLE.**

6 **(C) “CIVIC ACTIVITY” MEANS A LAWFUL EFFORT TO INFLUENCE PUBLIC**
7 **POLICY, SOCIAL CONDITIONS, GOVERNMENT ACTION, ELECTIONS, CORPORATE**
8 **ACCOUNTABILITY, OR COMMUNITY WELFARE, INCLUDING CHARITABLE ACTIVITY**
9 **RELATED TO THOSE PURPOSES.**

10 **(D) “EMPLOYEE” INCLUDES:**

11 **(1) AN APPRENTICE;**
12 **(2) AN INTERN;**
13 **(3) A PART-TIME EMPLOYEE; AND**
14 **(4) A TEMPORARY EMPLOYEE.**

15 **(E) “EMPLOYER” INCLUDES:**

16 **(1) A UNIT OF STATE OR LOCAL GOVERNMENT; AND**
17 **(2) A PERSON THAT ACTS DIRECTLY OR INDIRECTLY IN THE INTEREST**
18 **OF ANOTHER EMPLOYER WITH AN EMPLOYEE.**

19 **(F) “LAWFUL EXPRESSION” INCLUDES:**

20 **(1) ASSEMBLY;**
21 **(2) ASSOCIATION;**
22 **(3) CONTRIBUTIONS OR THE REFUSAL TO CONTRIBUTE;**
23 **(4) SPEECH;**
24 **(5) SYMBOLIC CONDUCT; AND**
25 **(6) CONDUCT LISTED UNDER ITEM (1), (2), (3), (4), OR (5) OF THIS**
26 **SUBSECTION THAT IS ENGAGED IN DIGITALLY OR ONLINE.**

1 (G) “OFF-DUTY CIVIC ACTIVITY” MEANS A CIVIC ACTIVITY IN WHICH THE
2 EMPLOYEE ENGAGES OUTSIDE WORK HOURS, OFF THE EMPLOYER’S PREMISES, AND
3 WITHOUT USE OF THE EMPLOYER’S EQUIPMENT OR OTHER PROPERTY UNLESS THE
4 USE IS EXPRESSLY AUTHORIZED BY THE EMPLOYER.

5 (H) “POLITICAL ACTIVITY” INCLUDES:

- 6 (1) BALLOT INITIATIVE OR REFERENDUM ADVOCACY;
- 7 (2) CAMPAIGNING;
- 8 (3) CANVASSING;
- 9 (4) FUNDRAISING;
- 10 (5) ONLINE POLITICAL COMMUNICATIONS;
- 11 (6) PETITIONING;
- 12 (7) PROVIDING OR PREPARING LEGISLATIVE OR ADMINISTRATIVE
13 TESTIMONY;
- 14 (8) RUNNING FOR PUBLIC OFFICE;
- 15 (9) SYMBOLIC POLITICAL EXPRESSION; AND
- 16 (10) VOLUNTEERING.

17 3-1902.

18 (A) THIS SUBTITLE DOES NOT APPLY WITH RESPECT TO CONDUCT THAT:

- 19 (1) MATERIALLY AND DEMONSTRABLY PREVENTS THE EMPLOYEE
20 FROM PERFORMING BONA FIDE JOB DUTIES;
- 21 (2) REVEALS TRADE SECRETS OR PROPRIETARY INFORMATION;
- 22 (3) CONSTITUTES UNLAWFUL HARASSMENT, THREATS, OR VIOLENCE;
23 OR
- 24 (4) VIOLATES STATUTORY CONFIDENTIALITY OR PROFESSIONAL
25 RESPONSIBILITY OBLIGATIONS.

1 (B) THE EMPLOYER HAS THE BURDEN TO PROVE THAT CONDUCT BY AN
2 EMPLOYEE IS EXEMPT FROM THE APPLICATION OF THIS SUBTITLE UNDER
3 SUBSECTION (A) OF THIS SECTION BY A PREPONDERANCE OF EVIDENCE.

4 **3-1903.**

5 (A) AN EMPLOYER MAY REQUIRE AN APPLICANT TO DISCLOSE THE
6 APPLICANT'S ENGAGEMENT IN POLITICAL ACTIVITY, CIVIC ACTIVITY, OR LAWFUL
7 EXPRESSION ONLY IF THE DISCLOSURE IS RELATED TO SPECIFIC JOB
8 REQUIREMENTS.

9 (B) FOR POSITIONS SUBJECT TO STATUTORY OR REGULATORY SPEECH
10 RESTRICTIONS, AN EMPLOYER MAY IMPOSE JOB-RELATED RESTRICTIONS ONLY IF
11 THE RESTRICTIONS ARE NARROWLY TAILORED TO ACHIEVE A LEGITIMATE
12 GOVERNMENT INTEREST.

13 **3-1904.**

14 (A) AN EMPLOYER MAY NOT:

15 (1) TAKE AN ADVERSE ACTION AGAINST AN EMPLOYEE BECAUSE THE
16 EMPLOYEE ENGAGES IN POLITICAL ACTIVITY, CIVIC ACTIVITY, OR LAWFUL
17 EXPRESSION;

18 (2) RETALIATE AGAINST AN EMPLOYEE FOR REFUSING TO
19 PARTICIPATE IN EMPLOYER-FAVORED POLITICAL ACTIVITY, ENDORSEMENTS,
20 DONATIONS, OR CAPTIVE-AUDIENCE MEETINGS;

21 (3) MAINTAIN OR ENFORCE A POLICY THAT RESTRICTS LAWFUL
22 OFF-DUTY CIVIC ACTIVITY PROTECTED UNDER THIS TITLE; OR

23 (4) MAINTAIN, SHARE, OR USE A LIST OR DATABASE TO
24 DISADVANTAGE AN EMPLOYEE OR APPLICANT BECAUSE OF ACTIVITY PROTECTED
25 UNDER THIS SUBTITLE IN WHICH THE EMPLOYEE OR APPLICANT HAS ENGAGED.

26 (B) AN EMPLOYER MAY NOT COERCE AN EMPLOYEE TO:

27 (1) MAKE POLITICAL CONTRIBUTIONS;

28 (2) ATTEND POLITICAL OR PUBLIC-RELATIONS EVENTS;

29 (3) ENDORSE OR OPPOSE A CANDIDATE, PARTY, CAUSE, OR PUBLIC
30 POLICY; OR

3 3-1905.

4 (A) (1) AN INDIVIDUAL AGGRIEVED BY AN EMPLOYER'S VIOLATION OF
5 THIS SUBTITLE MAY BRING A CIVIL ACTION IN A CIRCUIT COURT FOR APPROPRIATE
6 INJUNCTIVE RELIEF AND DAMAGES.

16 (B) (1) IF AN EMPLOYER IS FOUND TO HAVE DISCHARGED AN EMPLOYEE
17 IN VIOLATION OF THIS SUBTITLE, THE COURT SHALL AWARD THE EMPLOYEE A
18 MINIMUM OF THREE TIMES LOST WAGES PLUS 1 YEAR OF WAGES.

21 (C) IN ADDITION TO ANY OTHER RELIEF, THE COURT MAY AWARD:

22 (1) REINSTATEMENT TO THE SAME POSITION OR AN EQUIVALENT
23 POSITION:

(2) BACK PAY, INCLUDING LOST WAGES AND BENEFITS:

(3) FRONT PAY WHEN REINSTATEMENT IS IMPRACTICABLE:

26 (4) COMPENSATORY DAMAGES FOR EMOTIONAL DISTRESS,
27 REPUTATIONAL HARM, AND OTHER CONSEQUENTIAL DAMAGES:

- (6) PUNITIVE DAMAGES FOR WILLFUL OR MALICIOUS VIOLATIONS;**
- (7) REASONABLE ATTORNEY'S FEES AND LITIGATION COSTS; AND**
- (8) EXPUNGEMENT OF DISCIPLINARY RECORDS.**

7 (E) AN ACTION UNDER THIS TITLE SHALL BE FILED WITHIN 2 YEARS AFTER
8 THE ALLEGED VIOLATION.

9 3-1906.

10 (A) IF AN INDIVIDUAL BELIEVES THAT AN EMPLOYER HAS VIOLATED THIS
11 SUBTITLE, THE INDIVIDUAL MAY FILE A COMPLAINT WITH THE ATTORNEY
12 GENERAL.

16 3-1907.

(A) A WAIVER OR LIMITATION OF RIGHTS PROTECTED UNDER THIS TITLE IS
NULL AND VOID AS BEING AGAINST THE PUBLIC POLICY OF THE STATE.

19 (B) AN AGREEMENT TO ARBITRATE MAY NOT WAIVE OR DIMINISH A RIGHT
20 OR REMEDY PROVIDED UNDER THIS SUBTITLE.

21 3-1908.

EACH EMPLOYER WITH 50 OR MORE EMPLOYEES SHALL:

4 SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
5 the application of any provision of this Act to any person or circumstance is held invalid for
6 any reason in a court of competent jurisdiction, the invalidity does not affect other
7 provisions or any other application of this Act that can be given effect without the invalid
8 provision or application, and for this purpose the provisions of this Act are declared
9 severable.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2026.