

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.



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

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

(D) “EMPLOYEE” INCLUDES:

- (1) AN APPRENTICE;
- (2) AN INTERN;
- (3) A PART-TIME EMPLOYEE; AND
- (4) A TEMPORARY EMPLOYEE.

(E) “EMPLOYER” INCLUDES:

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

(F) “LAWFUL EXPRESSION” INCLUDES:

- (1) ASSEMBLY;
- (2) ASSOCIATION;
- (3) CONTRIBUTIONS OR THE REFUSAL TO CONTRIBUTE;
- (4) SPEECH;
- (5) SYMBOLIC CONDUCT; AND
- (6) CONDUCT LISTED UNDER ITEM (1), (2), (3), (4), OR (5) OF THIS SUBSECTION THAT IS ENGAGED IN DIGITALLY OR ONLINE.

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

(H) “POLITICAL ACTIVITY” INCLUDES:

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

3-1902.

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

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

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

3-1903.

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

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

3-1904.

(A) AN EMPLOYER MAY NOT:

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

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

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

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

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

(1) MAKE POLITICAL CONTRIBUTIONS;

(2) ATTEND POLITICAL OR PUBLIC-RELATIONS EVENTS;

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

(4) SIGN, PUBLISH, OR DISSEMINATE POLITICAL STATEMENTS AS A
CONDITION OF EMPLOYMENT.

3-1905.

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

(2) AN INDIVIDUAL MAY NOT BE REQUIRED TO EXHAUST ALL
ADMINISTRATIVE REMEDIES TO FILE AN ACTION UNDER PARAGRAPH (1) OF THIS
SUBSECTION.

(3) (I) AN ACTION UNDER PARAGRAPH (1) OF THIS SUBSECTION
MAY BE BROUGHT INDIVIDUALLY, JOINTLY, OR AS A CLASS IN ACCORDANCE WITH
MARYLAND RULE 2-231.

(II) IN A CLASS ACTION CHALLENGING EMPLOYER POLICIES OR
PATTERNS AND PRACTICES, THE COURT SHALL LIBERALLY CONSTRUE
CERTIFICATION.

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

(2) A COURT MAY NOT USE EVIDENCE OF MITIGATION TO REDUCE THE
MINIMUM AWARD REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

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

(1) REINSTATEMENT TO THE SAME POSITION OR AN EQUIVALENT
POSITION;

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

(3) FRONT PAY WHEN REINSTATEMENT IS IMPRACTICABLE;

(4) COMPENSATORY DAMAGES FOR EMOTIONAL DISTRESS,
REPUTATIONAL HARM, AND OTHER CONSEQUENTIAL DAMAGES;

(5) TREBLE DAMAGES ATTRIBUTABLE TO WAGES LOST DUE TO THE
UNLAWFUL ADVERSE ACTION;

(6) PUNITIVE DAMAGES FOR WILLFUL OR MALICIOUS VIOLATIONS;

(7) REASONABLE ATTORNEY'S FEES AND LITIGATION COSTS; AND

(8) EXPUNGEMENT OF DISCIPLINARY RECORDS.

(D) ADVERSE ACTION TAKEN AGAINST AN EMPLOYEE WITHIN 120 DAYS AFTER THE EMPLOYEE ENGAGES IN ACTIVITY PROTECTED UNDER THIS SUBTITLE CREATES A REBUTTABLE PRESUMPTION OF RETALIATION.

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

3-1906.

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

(B) IF THE ATTORNEY GENERAL RECEIVES A COMPLAINT UNDER THIS SUBTITLE, THE ATTORNEY GENERAL MAY INVESTIGATE AND USE ALL LEGAL REMEDIES AVAILABLE.

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.

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

3-1908.

EACH EMPLOYER WITH 50 OR MORE EMPLOYEES SHALL:

(1) POST IN A PLACE ACCESSIBLE BY ALL EMPLOYEES AND IN A LANGUAGE THE MAJORITY OF EMPLOYEES UNDERSTAND A NOTICE OF THE PROTECTIONS ESTABLISHED UNDER THIS SUBTITLE DEVELOPED BY THE DEPARTMENT; AND

1 **(2) ON OR BEFORE JANUARY 1 EACH YEAR, ELECTRONICALLY**
2 **PROVIDE THE NOTICE DESCRIBED UNDER ITEM (1) OF THIS SECTION TO EACH**
3 **EMPLOYEE.**

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.