

**SB0329\_Firearms\_Prohibitions\_MLC\_FAV.pdf**

Uploaded by: Cecilia Plante

Position: FAV



**TESTIMONY FOR SB0329  
ELECTIONS LAW – POLLING SITES – FIREARMS PROHIBITIONS**

**Bill Sponsor:** Senator Waldstreicher

**Committee:** Education, Health, and Environmental Affairs

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0329 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

There are many pieces of legislation that have been written to protect the citizens of this state. One of the hallmarks of our state has been the fact that our elections are generally free from intimidation and harassment. We have had to write laws to ensure that the campaigners keep their distance from voters, but we have not had to write legislation to keep people with guns away from voters.

Sadly, we are in that place. People have lost their civility and there are too many who would seek to bully people at the polls. We can't have that in Maryland. Voting must be free from intimidation of any sort.

We support this bill and recommend a **FAVORABLE** report in committee.

**SB0329\_Chris\_Apple\_FAV.pdf**

Uploaded by: Christopher Apple

Position: FAV

TESTIMONY IN SUPPORT OF BILL SB0329 - FAVORABLE  
Election Law – Polling Sites – Firearms Prohibitions

TO: Chair Pinsky, Vice Chair Kagan, and  
members of the Education, Health, and  
Environmental Affairs Committee

FROM: Chris Apple  
7001 Cradlerock Farm Court  
Columbia, MD 21045  
District 13

Feb 23, 2022

Armed voter intimidation is sadly a long-standing tradition in our country. In 1876, armed white "rifle clubs" calling themselves "Red Shirts" terrorized a majority-black district of Hamburg, South Carolina. They killed and wounded dozens of people. Their aim was clear: scare Blacks away from the polls so the Red Shirts' preferred candidate would win the gubernatorial election.

It would be wonderful if groups like the Red Shirts were confined to that darker period of our history. Unfortunately, some extremist groups today are taking on a very similar tone. The Proud Boys, a white nationalist extremist group, routinely arrive armed at Black Lives Matter rallies, sometimes even pointing their weapons at protesters. The Proud Boys conducted an extensive poll-watching campaign on Election Day 2020, determined to find and eliminate election fraud.<sup>1</sup> Dubbed the "Army for Trump," the group's activities were concerning enough that some officials temporarily banned open carry at polling places, even where it was otherwise legal to do so.

Intimidation is central to the Proud Boys' philosophy. One group leader claimed it was "policy to shoot" Black Lives Matter "rioters."<sup>2</sup> In North Carolina, the Proud Boys appeared at a local school board meeting to oppose mask mandates. "If our presence escalates that pressure," one member told a local reporter, "and makes it to the point where we become a distraction to conducting business and they just change the mask mandate so we go away, that's a win."<sup>3</sup>

Guns were spotted at the polls in at least 25 states on Election Day 2020.<sup>4</sup> In Virginia in 2016, an armed man at a polling station was stopping voters - some with children in tow - and asking if they'd be "voting for Crooked Hillary."<sup>5</sup>

Armed intimidation isn't just a vague threat - these extremist groups already have this tool in their belts. These groups could directly influence Maryland elections by scaring voters away. I urge the committee to issue a favorable report for SB0329.

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<sup>1</sup> <https://abcnews.go.com/Politics/neo-nazi-proud-boys-groups-push-trump-campaign/story?id=73663331>

<sup>2</sup> <https://everytownresearch.org/report/more-than-brawlers-the-proud-boys-and-armed-extremism/>

<sup>3</sup> <https://www.nbcnews.com/tech/internet/extremism-us-jan-6-capitol-rcna10731>

<sup>4</sup> <https://www.csgv.org/wp-content/uploads/2020/09/CSGV-GunsAtThePolls-X.pdf>

<sup>5</sup> <https://gothamist.com/news/armed-trump-supporter-who-intimidated-virginia-voter-is-allowed-to-carry-weapon-officials-say>

**(Final)SB329 guns at polls 2022.pdf**

Uploaded by: Karen Herren

Position: FAV



## Testimony in Support of Election Law - Polling Sites - Firearm Prohibitions SB329

Legislative Director Karen Herren, JD  
Marylanders to Prevent Gun Violence

Feb 23, 2022

Dear Chair Pinsky, Vice-Chair Kagan, and distinguished members of the Committee,

Marylanders to Prevent Gun Violence is a statewide grassroots organization dedicated to reducing gun deaths and injuries throughout the state of Maryland. Our work ranges from addressing data-driven legislative change, leading a violence intervention and prevention coalition, and running programs for at-risk children. Marylanders to Prevent Gun Violence supports the passage of House Bill 30 which seeks to prohibit firearms at official polling sites in the state of Maryland.

Across the United States, polling places are heavily regulated sites. Designed to encourage the democratic process to play out in a fair and equitable manner, polling sites are meant to create an “island of calm” for voters. (Minnesota Voters Alliance v. Mansky (2018) 138 S.Ct. 1876). All states, including Maryland, prohibit electioneering at polling places. (Md. Code, Elec Law §16-206(b), Md. Code Regs § 33.17.06.10). This includes a prohibition on campaigning, displaying signs, or even wearing campaign clothing. But as extremist groups increasingly seek to use firearms to intimidate in public spaces, the likelihood of the presence of gun-toting group members turning up to intimidate voters grows.

***“There is a substantial and long-lived consensus among the 50 States that some restricted zone around polling places is necessary to serve the interest in protecting the right to vote freely and effectively.”***

Supreme Court in Burson v. Freeman, 504 U.S. at 191

The Southern Poverty Law Center reports that there were 15 hate groups in Maryland in [2020](#). The motivations for these groups include general hate, anti-muslim,

anti-immigrant, radical catholicism, KKK, and white nationalist. The Department of Homeland Security has deemed white supremacists as “the most persistent and lethal threat in the [Homeland](#).” We know that instances of armed intimidation at the polls are increasing. Armed rightwing supporters questioned voters at polling places and protested outside of a Democratic campaign office with firearms in Virginia during the 2016 election. In 2018, a Pennsylvania man was arrested for threatening to “shoot up” a polling place. In North Carolina, a Black campaign volunteer was accosted by an armed man at an early voting location for the 2018 [election](#).

Bright line rules were developed regarding campaigning at polling sites to make the rules easy to enforce. One simply isn’t allowed to do the enumerated items. The same should be true for voter intimidation with firearms. Prohibiting firearms in these spaces helps to preserve the “island of calm” that allows democracy to proceed as intended. MPGVP urges the committee to vote **FAVORABLY** on SB 329.

**Brady Testimony SB329.pdf**

Uploaded by: Kelsey Rogers

Position: FAV



Brady  
840 First St. NE Ste. 400  
Washington, DC 20002



Testimony of Kelsey Rogers, Senior Manager, State Policy  
Support for SB 329  
Before the Maryland Senate Education, Health & Environmental Affairs Committee  
February 23, 2022

Chairman Pinsky, Vice-Chair Kagan, and Distinguished Members of the Maryland Senate Education, Health & Environmental Affairs Committee,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike, to take action, not sides, and end America's gun violence epidemic. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah, led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah's legacy by uniting Americans from coast to coast, red and blue, young and old, liberal and conservative, to combat the epidemic of gun violence.

Thank you for allowing us to submit testimony before this committee today. **SB 329 will protect Maryland residents from an armed threat to one of America's most valuable democratic institutions: voting.** Now more than ever, voter intimidation is a legitimate concern for future elections; it falls to state and local officials to take proactive steps to ensure the laws are enforced, hence why this bill is so incredibly important.

Allowing firearms at polling stations is voter intimidation, plain and simple. The presence of guns at or around polling places poses a danger to the process of fair and free elections simply because of the inherent threat to voters' emotional and physical well-being. Voter intimidation is not only dangerous, it is unlawful. It is against the law to engage in any efforts to intimidate, threaten, or coerce a voter to vote or not vote, or to vote for or against a particular candidate.<sup>1</sup>

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<sup>1</sup> 52 U.S.C. §§ 10101(b), 10307(b).

Voter intimidation or suppression has many forms,<sup>2</sup> but the most dangerous form is armed intimidation, which further contributes to the growing gun violence epidemic in our nation. Armed intimidation threatens one of our most fundamental rights in democracy's most sensitive location - the voting booth.

The bill before you today – SB 329 - would prohibit bringing a firearm within 100 feet of a polling site during an election, and prevents individuals from carrying or displaying a firearm on the premises of a polling site, including in parking lots. Ensuring that individuals are not confronted with firearms in an intimidating or threatening manner while exercising their sacred right at the ballot box is of utmost importance to preserving and defending all tenets of our democracy.

Threats of armed intimidation have grown in size and scale, and these threats have directly impacted the lives of Maryland residents. This issue is one that has plagued a variety of states, and is of chief concern for law enforcement officers and election officials alike. Two months prior to the 2020 election, the United States Department of Homeland Security released a draft threat assessment that asserted “open-air, publicly accessible parts of physical election infrastructure,” including polling places and voter registration events, could be “flash points for potential violence.”<sup>3</sup>

This bill poses no threat to the Second Amendment rights of Marylanders, as the Supreme Court has recognized that the prohibition of guns in sensitive places - in this case, polling places - is one of several “presumptively lawful regulatory measures.”<sup>4</sup> There are common sense solutions that we know are necessary to protect the electoral rights of the people of Maryland, and this bill is one of them. Further, this bill includes exemptions for law enforcement officers and for those in homes or lawfully traveling on public roads within 100 feet of a polling place. These exemptions help to ensure that this law narrowly targets its intended goal: to prevent armed threats and intimidation, and does not inadvertently punish or penalize those who are legally using their firearms within their property or transporting them in a vehicle.

The rate of firearm ownership has grown exponentially alongside deepening ideological divides; this potent combination has led to the proliferation and increased threat of extremist militia organizations nationwide that continue to use firearms in threatening and intimidating ways,

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<sup>2</sup> Sec. of State Katie Hobbs, et al., *Arizona Election Procedures Manual*, ARIZONA SECRETARY OF STATE'S OFFICE ELECTION SERVICES DIV., (Dec. 2019), [https://azsos.gov/sites/default/files/2019\\_ELECTIONS\\_PROCEDURES\\_MANUAL\\_APPROVED.pdf](https://azsos.gov/sites/default/files/2019_ELECTIONS_PROCEDURES_MANUAL_APPROVED.pdf) at pages 180–181 (including aggressive, threatening, or offensive behavior directed at voters or poll workers; blocking access to a voting location; disrupting voting lines; disseminating false or misleading information; and falsely accusing others of “voter fraud”).

<sup>3</sup> Danny Hakim, et al., Trump Renews Fears of Voter Intimidation as G.O.P. Poll Watchers Mobilize, *The New York Times*, Sep. 30, 2020, <https://www.nytimes.com/2020/09/30/us/trump-election-poll-watchers.html>.

<sup>4</sup> See *District of Columbia v. Heller*, 544 U.S. 570, 627 n.26 (2008).

including near or at polling locations or outside recount locations. Clear instances of armed voter intimidation plagued the 2020 election<sup>5</sup> and public officials must assume that this behavior will continue in order to best protect their constituents. Proactive steps like SB 329 must be taken to ensure the safety and security of our electorate.

**For all of these reasons, The Brady Campaign to Prevent Gun Violence strongly encourages this Committee to vote in favor of SB 329 to protect all Maryland voters from encountering armed intimidation at polling places and ensuring that our democratic processes remain free and fair.** This action is necessary and within your authority to ensure that voters in your state are protected and can vote safely and without intimidation or risk.

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<sup>5</sup> Tom Porter, Trump supporters staged a rally at a Virginia polling center during early voting, intimidating voters, election officials say, BUSINESS INSIDER (Sep. 20, 2020), <https://www.businessinsider.com/virginia-trump-supporters-intimidated-voters-disrupt-early-voting-2020-9>; *Armed Protesters Inspire Fear, Chill Free Speech*, GIFFORDS LAW CENTER (Aug. 31, 2020), <https://giffords.org/lawcenter/report/armed-protesters-inspire-fear-chill-free-speech/>.

# **Testimony for MD SB 329.pdf**

Uploaded by: Lisa Geller

Position: FAV

Testimony of Tim Carey, Law & Policy Staff Attorney  
The Educational Fund to Stop Gun Violence  
In Support - Senate Bill 329: Prohibiting Firearms at Polling Places during Elections  
Senate Education, Health, and Environmental Affairs Committee  
February 22, 2022

Dear Chair Pinsky, Vice Chair Kagan, and Committee members,

I am writing to you in my capacity as a staff attorney for the Educational Fund to Stop Gun Violence in support of Senate Bill 329. By prohibiting the presence of firearms within 100 ft of a polling place, Maryland would be joining a growing number of states taking steps to protect the sanctity of their elections and the security of their electorate.

### **Prohibiting Firearms at Polling Places Protects Democracy**

The right to vote is a fundamental right that all eligible American citizens ought to exercise freely and safely. All fifty states provide their citizens with a substantive right to vote, forty-nine with an explicit state constitutional right and one with an implicit right.<sup>1</sup> Laws have validity in a democracy, in large part, because the people are able to choose their representation in government. The Supreme Court of the United States said it best when they reasoned that “[n]o right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.”<sup>2</sup> The presence of firearms at the polls places our most sacred right in peril.

Relatively few states have laws that explicitly prevent the presence of guns at polling places, which became a point of grave concern for many state legislatures during the 2020 elections. Incendiary remarks by then-President Trump and his most ardent supporters created legitimate fears about election-day violence, recognized by news media, law enforcement, and the FBI.<sup>3</sup> Michigan’s secretary of state notably attempted to pass a directive banning guns at the polls after credible threats of violence surrounding the election, but her directive was blocked by courts on procedural grounds.<sup>4</sup> The Maryland legislature is the proper venue to make this policy decision and now is the right time. Though Maryland already has laws that criminalize the use of weapons for intimidation, it is difficult to prove whether someone wielding a

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<sup>1</sup> Joshua A. Douglas, *The Right to Vote Under State Constitutions*, 67 Vanderbilt Law Review 89 (2019); ARIZ. Const. art VII, § 2 is the lone outlier, stating that “No person shall be entitled to vote... unless such person be a citizen of the United States of the age of eighteen years or over, and shall have resided in the state for a period of time preceding such election as prescribed by law...”

<sup>2</sup> *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964).

<sup>3</sup> See Daniel L. Byman & Colin P. Clarke, *Why the risk of election violence is high*, Brookings (Oct. 27, 2020), <https://www.brookings.edu/blog/fixgov/2020/10/27/why-the-risk-of-election-violence-is-high/> (last visited Jan 21, 2021); Joel Rose, *'Guns, Protests And Elections Do Not Mix': Conflict Experts See Rising Warning Signs*, NPR (Oct. 29, 2020),

<https://www.npr.org/2020/10/29/928791633/guns-protests-and-elections-do-not-mix-conflict-experts-see-rising-warning-signs> (last visited Jan 21, 2021); Katie Paul, *Thousands of Facebook Groups buzzed with calls for violence ahead of U.S. election*, Reuters (Nov. 6, 2020), <https://www.reuters.com/article/us-usa-election-facebook-focus/thousands-of-facebook-groups-buzzed-with-calls-for-violence-ahead-of-u-s-election-idUSKBN27M2UN>.

<sup>4</sup> Brakkton Booker, *Michigan Judge Blocks Ban On Open Carry Of Guns At Polls On Election Day*, NPR (Oct. 29, 2020), <https://www.npr.org/2020/10/28/928617983/michigan-judge-blocks-ban-on-open-carry-of-guns-at-polls-on-election-day>.

gun in public intended to stoke fear in others. However, even the potential threat of violence during elections threatens to chill participation in democracy. A clear prohibition of firearms at polling places would be an unambiguous protection of the sacrosanct right to vote.

### **Prohibiting Firearms at Polling Places is Constitutional Under the First and Second Amendments**

Courts in the United States have not interpreted the Second Amendment to provide a right to carry a gun in public or to intimidate others with firearms. In the landmark decision of *District of Columbia v. Heller*, the Supreme Court of the United States interpreted the core of the Second Amendment to protect “the right of law-abiding, responsible citizens to use arms in defense of hearth and home.”<sup>5</sup> However, the Supreme Court continued to clarify that “[l]ike most rights, the right secured by the Second Amendment is not unlimited” and it is “not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”<sup>6</sup> The Supreme Court emphasized that “nothing in our opinion should be taken to cast doubt on longstanding prohibitions on... laws forbidding the carrying of firearms in sensitive places such as schools and government buildings.”<sup>7</sup>

Courts have also not found that carrying firearms in public qualifies as “speech” protected under the First Amendment. In contrast, courts have found it to be extremely difficult for the carrying of a firearm to convey any particularized message beyond the lethality of the gun itself. For example, Michigan courts have held that attempts to communicate messages by openly carrying firearms did not qualify as protected speech because worried members of the public did not perceive the firearm owners “as open carry activists demonstrating their First... Amendment rights,” but rather “were simply alarmed and concerned for their safety and that of their community.”<sup>8</sup> A Connecticut court evaluating a case in which an individual was openly carrying a firearm, while wearing a right to bear arms t-shirt, wrote that reasonable officers could disagree whether carrying the gun conveyed a message in support of the Second Amendment or was simply carrying for other purposes.<sup>9</sup> In doing so, the court found that the gun carrier’s conduct was not protected by the First Amendment.<sup>10</sup> A court in Ohio also rejected that the open carry of firearms amounted to protected symbolic speech, observing that the defendant “[having] to explain the message he intended to convey undermines the argument that observers would likely understand the message.”<sup>11</sup> These court findings emphasize that the right to free speech cannot be confused with a right to terrorize others and threaten public safety.

### **Prohibiting Firearms at Polling Places is Congruent with Current Maryland Law**

Maryland already has several laws on the books that may indirectly impact the presence of some firearms at some polling places, but codifying an explicit regulation is both the natural and needed next step for the legislature to take. Maryland has made it a crime to carry or possess a firearm on public school property, which many districts utilize as polling places during elections, but not all Maryland polling locations are in schools.<sup>12</sup> Polling locations in Maryland may be established in any public building “that creates an environment suitable to the proper conduct of an election,” which can extend to currently unprotected

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<sup>5</sup> *District of Columbia v. Heller*, 554 U.S. 570, 635 (2008).

<sup>6</sup> *Heller*, 554 U.S. at 626.

<sup>7</sup> *Id.*

<sup>8</sup> *Baker v. Schwarb*, 40 F. Supp. 3d 881, 894-95 (E.D. Mich. 2014); *see also Chesney v. City of Jackson*, 171 F. Supp. 3d 605, 616-19 (E.D. Mich. 2016) and *Deffert v. Moe*, 111 F. Supp. 3d 797 (W.D. Mich. 2015).

<sup>9</sup> *Burgess v. Wallingford*, 2013 WL 4494481, at \*9 (D.Conn. May 15, 2013).

<sup>10</sup> *Id.*

<sup>11</sup> *Northrup v. City of Toledo Police Div.*, 58 F. Supp. 3d 842, 848 (N.D. Ohio 2014), affirmed in part, reversed in part and remanded sub nom. *Northrup v. City of Toledo Police Dep’t*, 785 F.3d 1128 (6th Cir. 2015).

<sup>12</sup> Md. Code Ann., Crim. Law § 4-102(b).

places.<sup>13</sup> Maryland law also criminalizes attempts to “willfully and knowingly...influence or attempt to influence a voter’s voting decision...[or] decision whether to go to the polls to cast a vote through the use of force, fraud, threat, menace, [or] intimidation...” and automatically elevates assault with a firearm to a first degree offense.<sup>14</sup> However, it is notoriously difficult to prove the intent to intimidate when someone is holding a firearm.<sup>15</sup> No measure would communicate as clear and reassuring a message to the public and election officials as a prohibition of firearms at the polls.

Maryland has recognized the need for laws that prevent firearms from disrupting the public’s civil rights and duties before. Maryland prohibits the possession of a firearm, both loaded and unloaded, at a demonstration in a public place or in a vehicle within 1,000 feet of such demonstration after law enforcement has both (1) notified the person about the public demonstration and (2) ordered the person to leave the demonstration until their firearm is stored elsewhere.<sup>16</sup> The Secretary of State Police also possesses the power to further limit the geographic area, circumstances, and times in which state handgun permits are effective, which could be applied to polling places and other political events.<sup>17</sup> Adding a prohibition of firearms at polling places would be consistent with other actions of the Maryland legislature to limit the role of guns in politics.

## **Conclusion**

Passing SB 329 would protect the integrity of Maryland’s elections and the wellbeing of their electorate. The presence of firearms at polling places risks both the chilling of participation in elections and the safety of prospective voters. Courts have not recognized a First or Second Amendment right to possess firearms in public places like polling sites, instead holding that the display of firearms in such places can be presumptively outside the scope of the right to bear arms. A prohibition of firearms at the polls is also consistent with past steps the Maryland legislature has taken to preserve public safety and the core functions of our democracy. The Educational Fund to Stop Gun Violence is in full support of SB 329 and the protections it affords to Maryland voters.

Sincere regards,

Timothy Carey, JD  
Law & Policy Staff Attorney  
Educational Fund to Stop Gun Violence

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<sup>13</sup> Md. Code Ann., Elec. Law § LAW § 10-101.

<sup>14</sup> Md. Elec Law § 16-201(a)(5)-(6); Md. Code Ann., Crim. Law § 3-202.

<sup>15</sup> See Joseph Blocher, Samuel W. Buell, Jacob D. Charles, Darrell A.H. Miller, *Pointing Guns*, 99 Tex. L. Rev. 1173, 1175 (2021).

<sup>16</sup> Md. Code Ann., Crim. Law § 4-208.

<sup>17</sup> Md. Code Ann., Pub. Safety § 5-307(b).

**SB 329 - Giffords - SUPPORT.pdf**

Uploaded by: Moira Cyphers

Position: FAV



**TESTIMONY IN SUPPORT OF SENATE BILL 329  
AN ACT CONCERNING ELECTION LAW – POLLING SITES – FIREARMS  
PROHIBITIONS**

**TO:** EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

**SUBMITTED BY:** MOLLY VOIGT; STATE LEGISLATIVE MANAGER, GIFFORDS

**DATE:** FEBRUARY 23, 2022

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Chair Pinsky, Vice Chair Kagan, and Members of the Senate Education, Health, and Environmental Affairs Committee: thank you for the opportunity to provide this testimony on behalf of Giffords and Giffords Law Center to Prevent Gun Violence, the organization founded by former Congresswoman and gun violence survivor Gabby Giffords.

I am writing in support of **SB 329**, which would prohibit the carrying or display of a firearm within 100 feet of a polling site during an election. Currently, ten states and the District of Columbia place restrictions on guns in or around locations where elections are being conducted.<sup>1</sup> SB 329 would allow Maryland to join that list.

During the 2020 election, Americans ginned up by baseless claims of widespread voter fraud [threatened](#) to turn up at the polls with their guns to safeguard the vote. Thankfully, this largely did not come to pass, yet after it became apparent that President Trump had lost the election, armed individuals began to [descend](#) on locations where the vote was being counted, [threatening](#) election workers and others tasked with conducting America's sacred free and fair elections.

While the scale and tactics we witnessed in 2020 were unprecedented, the use of guns to chill free speech and other constitutional activities, and intimidate voters is nothing new.<sup>2</sup> In particular, guns at the polls have been used to disenfranchise Black and Brown Americans who are disproportionately impacted by gun violence.<sup>3</sup>

In 2021 and beyond, after Americans have witnessed armed Trump supporters mount an attack of insurrection on the United States Capitol Building, threatening the lives of federal elected officials, the presence of guns in and around areas where elections are

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<sup>1</sup> Giffords Law Center, Preventing Armed Voter Intimidation: A State by State Analysis, October, 2020; <https://giffords.org/lawcenter/report/preventing-armed-voter-intimidation-a-state-by-state-analysis/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

# GIFFORDS

COURAGE TO FIGHT GUN VIOLENCE

taking place will likely be seen as an even greater threat of violence. Guns have no place in the polls and can only serve to harm, not help, the cause of democracy.

Thank you for taking action on this important issue and passing this legislation last year. We appreciate this committee's work to ensure polling places in Maryland are safe.

For these reasons, I urge a favorable report on SB 329.

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## ABOUT GIFFORDS

Giffords is a nonprofit organization dedicated to saving lives from gun violence. Founded and led by former Congresswoman Gabrielle Giffords, Giffords inspires the courage of people from all walks of life to make America safer.

**SB0329-FAV-DTMG-2-23-22.pdf**

Uploaded by: Olivia Bartlett

Position: FAV



**Committee:** Education, Health and Environmental Affairs

**Testimony on:** SB0329 - Election Law – Polling Sites – Firearms Prohibitions

**Position:** Favorable

**Hearing Date:** February 23, 2022

**Bill Contact:** Senators Jeff Waldstreicher and Bill Ferguson

DoTheMostGood (DTMG) is a progressive grass-roots organization with more than 3000 members in all districts in Montgomery County as well as in several nearby jurisdictions. DTMG supports legislation and activities that keep all the members of our communities healthy and safe in a clean environment, uplift all members of our communities, and promote equity across all our communities. DTMG strongly supports SB0329 because everyone must be able to feel safe in all of our polling places.

In the United States, the right to vote is fundamental to our democracy, and our elected officials must ensure that all eligible citizens have access to vote. In every election, our polling places are also staffed with hundreds of volunteers. It is imperative that all voters and polling place volunteers feel safe in and around polling places. However, recent events raise concerns about armed intimidators acting to prevent citizens from casting their ballot.

SB0329 will directly address this concern by prohibiting anyone except law enforcement officers from carrying or displaying any type of firearm at and within 100 feet of a polling site, including in a parking lot, during an election. This is a commonsense provision for the safety of voters and poll workers and to reduce voter intimidation.

There is a long history of using weapons to intimidate voters, particularly voters of color. During and after Reconstruction, guns were often used to scare Black voters away from the polls. Under a 1982 consent decree, the Republican National Committee agreed to refrain from sending squads of armed people to patrol polling places in Black and Latino neighborhoods. The patrols were ostensibly to prevent voter fraud but had the effect of intimidating and deterring would-be voters. That decree is no longer in effect, but conspiracy theories, false stories about ballot security and voter fraud, and recent armed political protests raise a similar set of risks today.

Private citizens with firearms demonstrated at polling places in several states during the 2016, 2018, and 2020 elections. In the week before the 2016 election, Guns Down America launched a campaign to give voters a way to report instances of armed intimidation at polling places. In less than twelve hours, 85 voters in 28 states reported seeing firearms at the polls. These incidents were reported by Voter Protection Hotline personnel to local law enforcement and election authorities. Similarly, during the 2018 midterm elections, then-NRA spokesperson Dana Loesch suggested that NRA supporters may need to bring guns to polling locations to fend off attacks from “anti-gun progressives”. There were armed demonstrations outside of a northern Virginia early voting site ahead of the November 2020 election.

Polling places are already heavily regulated in a variety of ways to preserve what the Supreme Court called an “island of calm” for voters. All states prohibit “electioneering” at polling places, such as campaigning, displaying signs, or even wearing campaign clothing or buttons in or near voting sites. But only six states and the District of Columbia prohibit open carry of firearms at polling places and just a handful of others prohibit concealed carrying (though additional restrictions may apply if, for example, the polling place is in a school or other building where guns are already prohibited).

Without a “bright-line” rule like that proposed in SB0329, gun carriers must still comply with legal prohibitions against voter intimidation and brandishing a weapon as a threat. But those laws require the government to make discretionary calls about, for example, whether a particular individual is intimidating. Such judgments are prone to racial and other forms of bias, while also leaving gun owners subject to the whims of local officials.

There are already too many impediments to voting. Fear of people with guns at polling places should not be one of them. Therefore, DTMG strongly supports SB0329 and urges a **FAVORABLE** report on this bill.

Respectfully submitted,

Olivia Bartlett  
Co-lead, DoTheMostGood Maryland Team  
[oliviabartlett@verizon.net](mailto:oliviabartlett@verizon.net)  
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**DC-W\_SB329\_UNF.pdf**

Uploaded by: Daniel Carlin-Weber

Position: UNF

Daniel J. Carlin-Weber  
SB329 Election Law - Polling Sites - Firearms Prohibitions  
Unfavorable  
2/23/2022

I am a firearms instructor and advocate of responsible firearms handling and ownership. Currently, I am a Maryland State Police Qualified Handgun Instructor, a Utah Concealed Firearm Permit Instructor, USCCA Concealed Carry and Home Defense Instructor, NRA Range Safety Officer, and Basic Pistol Instructor. Since 2016, I have instructed Marylanders from all walks of life on how to safely operate firearms and the responsibilities that come with them. I come before you today to request an unfavorable report of Senate Bill 329.

SB329 seeks to ban firearms possession, with few exceptions, within 100 feet of polling sites during elections by imposing a civil penalty and fine not exceeding \$5,000. Testimony by proponents last year on similar legislation alluded to wanting to stop individuals from openly carrying firearms outside of polling locations to intimidate voters. While the purpose is completely understandable, the bill is overly broad, confusing, largely unnecessary, and easily broken whether intentionally or not. If the intent is to prohibit armed intimidation, it should spell out the act instead of making a series of complicated, unworkable, and vague exemptions. The bill should be given an unfavorable report.

The bill tries to exempt those who happen to live within 100 feet of a polling site and are in lawful possession of firearms, but §16-904(c)(2) *requires* that the individual(s) be transferring the firearms between their residence and a vehicle *to be in compliance with* the restrictions. The conditions of that section must *all* be met with the way the text is written. The effect cannot be that residents must rid themselves of guns merely because they live next to a place that is or may

suddenly become a polling site, but it's what the bill would do. Even if that isn't the intent and the aim of the language would be to fully exempt firearms possession in one's home, the bill is written in ignorance to other private property or circumstances where people may lawfully possess firearms, even for those merely driving by while legally transporting or carrying their guns.

In another exemption from the bill, off-duty law enforcement may carry their handgun into a polling site so long as they do so concealed, but that they also wear a badge. If someone, *anyone*, is carrying a concealed handgun, virtually no one can tell. Concealed is concealed, after all. Ironically, a displayed badge could give someone an inkling that the person is armed and if that person finds the mere presence of guns *and/or* law enforcement intimidating, those factors in and of themselves could dissuade someone from voting at that place. Instead, if some form of this bill should pass, those who may legally wear a handgun in public could be required to do so concealed (supposing it is a place where guns may be lawfully carried anyways) instead of trying to differentiate between general members of the public and police officers.

One must wonder why this legislation instead doesn't simply try to penalize the act of displaying firearms at polling sites. Concealed firearms by definition aren't visible and therefore cannot be threatening. These places don't have metal detectors, nor would anyone tolerate subjecting to security screenings to be able to vote if they did. Law-abiding individuals able to carry their arms are left potentially defenseless to those who do not care about the law or the safety of people. Further, if there are concerns that individuals may post somewhere near a site openly with firearms as some sort of demonstration, Maryland law already has answers for that. See Md. Criminal Law § 4-208.



In conclusion, SB329 is wholly unnecessary and as introduced and would harm completely innocent conduct and innocent people far more than a determined individual willing to threaten or inflict violence.

I urge an unfavorable report.

Daniel J. Carlin-Weber  
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# **Senate\_Bill\_329\_Testimony\_Unfavorable.pdf**

Uploaded by: John Josselyn

Position: UNF



**2A Maryland**

2A@2AMaryland.org

**Senate Bill 329**  
**Election Law – Polling Sites – Firearms Prohibitions**  
**UNFAVORABLE**

Senate Bill 329 seeks to make illegal the simple possession a firearm within a certain distance of a polling site on election day. Most of the State’s polling sites are in schools and firearms are already prohibited. Approximately 18 of the 312 traditional “brick & mortar” polling sites will be impacted.

However, because the term “polling site” is not defined, this Bill casts a wide net to snare innocent citizens. Potentially all election ballots drop box locations, and postal service street corner mailboxes, parking lots, adjacent public streets and private dwellings could become unmarked prohibited areas of undetermined size and boundaries. The true extent of the impact this Bill will not be known until the Board of Elections determines where the drive through ballot boxes will be located.<sup>1</sup>

While there is limited protection in the Bill for individuals whose residence is within 100 feet of a polling place, that protection applies only in the brief period the individual is “transferring the firearm to the individual’s residence or vehicle within 100 feet of the polling place.” Possession of a firearm within a residence which is located within 100 feet of a polling site is not exempted and is thus prohibited. This effectively eliminates the protections contained in §16-904 (C)(2) and may well violate recent United States Supreme Court rulings addressing the possession of a firearm in the home.

**Senate Bill 0329**  
**Unfavorable**

Violating §16-904 (D) subjects an individual to prosecution for a civil offense punishable by a fine; but the fine applies only if the offender unknowingly violates the law. Intentional violations are not even addressed. Thus, it appears that the true impact of Senate Bill 329 will be to harass and intimidate the law-abiding gun owner. This amounts to nothing less than government sponsored voter suppression.

Senate Bill 329 is a solution to an imagined, but non-existent problem. There are no documented incidents of persons displaying firearms at Maryland polling sites, much less attempting to intimidate voters.

Senate Bill 329 is unenforceable for all practical purposes and does not address the intentional violation should that ever occur. Sufficient laws are already in place, Senate Bill 329 is unnecessary and misguided.

We respectfully request an unfavorable report on Senate Bill 329.

John H. Josselyn  
2A Maryland

1. <https://elections.maryland.gov/voting/absentee.html>

**Katie \_ Novotny\_UNF\_SB329.pdf**

Uploaded by: Katie Novotny

Position: UNF

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*Written Testimony of Katie Novotny in Opposition of SB329*

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February 22, 2022

I am a member of multiple gun rights organizations. I am a certified Range Safety Officer and an avid firearms collector. I oppose SB329.

This bill is completely unnecessary and convoluted. Rather than legislating blanket bans, and then providing complicated exceptions, if the intent is to prevent voter intimidation, a simple ban on brandishing firearms at a polling place would be adequate. In fact, it is already illegal to participate in intimidation tactics at a polling place, and intimidating acts with a firearm would certainly fall under this umbrella, making this bill unnecessary.

Furthermore, attempts at voter intimidation are very rare in Maryland. The Baltimore Sun article (<https://www.baltimoresun.com/politics/bs-md-pol-few-incidents-of-voter-intimidation-20201211-62xuahitendlbdz7nu2svqcscy-story.html>) dated December 11, 2020 titled “Few Incidents of Voter Intimidation or Harassment Reported in Maryland” even emphasizes this. This article reports only 27 complaints of possible voter intimidation or harassment. Of the examples given, none involved firearms. The biggest threat seemed to be from misleading robocalls.

Denying those who have passed Maryland’s incredibly rigorous wear and carry permitting process the right to carry at a polling place, when they have been acknowledged by the state to possess special need is completely unnecessary. If a person is carrying concealed, no one else will be aware, and therefore cannot be intimidated. The fact is that even here in Maryland, some people are granted the right to carry. The mere possibility of a person lawfully carrying a concealed firearm is not a threat, nor should it be intimidating. Everyday these people are in line behind you at the grocery store, the dry cleaners, and other everyday places, with no negative outcomes. Polling places are no different.

This bill also does not require armed, or even unarmed security, to guarantee the safety of those at polling places. Instead, it leaves the safety of all in the hands of election judges who must rely upon calling the police. Gun Free Zones are known favored targets for armed attacks. Furthermore, those who do regularly carry a firearm, may be required to leave it in their vehicle, parked an appropriate distance from the polling location, making it a target for theft, rather than safely on their person. If they instead choose to leave it at home, these people with known enhanced risk are then vulnerable while traveling to, from, and within, the polling location.

The allowance for off duty police to be allowed to carry, yet to wear their badge if they are, is simply absurd. That is akin to a scarlet letter. It is a mark to anyone who has familiarized themselves with the language of this bill, that this person has a firearm. It is also pandering to the community that is seen as supporting police officers. “Look! We are allowing THEM to carry, please don’t oppose this bill!”

This bill is unnecessary, overly complicated, and frankly a solution in search of a problem. It unfairly targets lawful gun owners, while doing nothing to address real sources of voter intimidation or harassment. Because of these reasons above, I request an unfavorable report.

Katherine Novotny

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# **MSI testimony on SB 329 Polling stations1.pdf**

Uploaded by: Mark Pennak

Position: UNF





President  
Mark W. Pennak

February 19, 2022

## WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN OPPOSITION TO SB 329

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of the District of Columbia and the Bar of Maryland. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland Firearms Law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home, muzzle loading, as well as a range safety officer. I appear today in opposition to certain aspects of SB 329.

This bill is a carbon copy of SB 10 from the 2021 General Assembly Session as it was amended and passed by the Senate and identical to the original version of HB 30, submitted this Session. Last Session, SB 10 never emerged from the House Ways and Means Committee after a hearing. Like SB 10, HB 329 would amend MD Code, Election Law, §16-904, to provide that a person may not “CARRY OR POSSESS A FIREARM WITHIN 100 FEET OF A POLLING SITE DURING AN ELECTION.” Second, the bill provides that a person may not “CARRY OR DISPLAY A FIREARM ON THE PREMISES OF A PRIVATELY OR PUBLICLY OWNED BUILDING BEING USED AS A POLLING SITE DURING AN ELECTION, INCLUDING IN A PARKING LOT.” This provision, along with the ban on possession within 100 feet of a polling site, creates **literally dozens of new gun-free zones**, including in **privately owned** buildings. Nothing in the bill would mandate or authorize armed security for such polling places. A violation of the bill is punished as a civil infraction under which a \$5,000 fine may be assessed against the violator under MD Code, Election Law, § 13-604. That fine may be imposed even though the person commits a violation “without knowing that the act is illegal.” MD Code, Election Law, § 13-604(a). The bill thus imposes strict liability for otherwise innocent conduct without regard to the person’s knowledge of the law or the person’s intent. No *mens rea* is required.

Like the Senate amendments to SB 10 in 2021, this bill includes subsection (C)(2) which provides an exemption where **(I) THE INDIVIDUAL IS LEGALLY IN POSSESSION OF A FIREARM; (II) THE RESIDENCE OF THE INDIVIDUAL IS WITHIN 100 FEET OF A PRIVATELY OR PUBLICLY OWNED BUILDING**

BEING USED AS A POLLING SITE DURING AN ELECTION; AND (III) THE INDIVIDUAL IS TRANSFERRING THE FIREARM TO THE INDIVIDUAL'S RESIDENCE OR VEHICLE WITHIN 100 FEET OF A POLLING PLACE. The bill would also permit an off-duty police officer to carry a concealed weapon if that officer is displaying his badge.

**The House Sponsor's Amendment:** We are advised that the House sponsor has submitted an amendment to HB 30 (attached). The amendment would retain the exemption and further amend the original version of HB 30 to provide that an individual in a residence within 100 feet of a polling place is not in violation of the ban if "THE INDIVIDUAL IS LOCATED AT THE RESIDENCE" and further provides that the an individual is not in violation of the ban if "THE INDIVIDUAL IS LAWFULLY TRANSPORTING THE FIREARM IN A VEHICLE ON A PUBLIC ROADWAY THAT IS WITHIN 100 FEET OF A POLLING PLACE." That amendment was welcomed and we are impressed and gratified that the House sponsor is showing sensitivity to the constitutional issues created by the original version of the Bill. As far as we know, the Senate sponsor of SB 329 has not submitted a similar amendment to SB 329. This testimony thus addresses SB 329 as submitted and also addresses the House sponsor's amendment, should that amendment be considered in this Committee.

**The Bill Is Extreme:** First the bill is extreme as it would make Maryland the most restrictive state, by far, of any of the twelve states that purports to limit possession at a polling site. See <https://www.ncsl.org/research/elections-and-campaigns/polling-places.aspx>. For example, California, with the most restrictive gun control laws in the country, only bans a person from being "**stationed** in the immediate vicinity of, **or posted at**, a polling place without written authorization of the appropriate city or county elections official..." California Election Code § 18544(a) (emphasis added). And Texas bans carry **in** a polling place only "if the person **intentionally, knowingly, or recklessly** possesses or goes with a firearm, illegal knife, club, or prohibited weapon **on the premises** of a polling place on the day of an election or while early voting is in progress." Texas Penal Code § 46.03(a)(2) (emphasis added). No such scienter requirements are imposed by this bill. Neither California nor Texas extends their bans to 100 feet of a polling place.

**The Bill Is Unconstitutional:** Second, this bill does not exempt mere **possession** of a firearm in a home that happens to fall within 100 feet of a polling station and thus the ban extends to private homes as well. No state purports to ban possession of a firearm in the home. Specifically, subsection (C)(2) allows possession by an otherwise lawful person only if the residence is within 100 feet of the polling station **AND** the person **is transferring** the firearm to or from the person's residence or vehicle within 100 feet of the polling site. This exception is welcome, but it is poorly drafted. By using the word "AND" subsection (C)(2) requires **all three** elements of subsection (C)(2) to be present. And, by using the operative verb "**transferring**," the bill's exemption **only** applies to *transfers* that take place to and from the residence and a vehicle – not mere possession **in the residence** (or in the vehicle). The language of the exemption in subsection (C)(2) thus does not purport to address or exempt a person who is **merely possessing** the firearm inside the home or on private property

that happens to be located within 100 feet of a polling site. The House sponsor's amendment addresses short-coming. This bill does not.

Thus, through poor draftsmanship, the bill is fatally overbroad. In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the Supreme Court held that citizens have the right to possess operative handguns for self-defense in the home. *Heller* also made clear that the right belongs to every "law-abiding, responsible citizen[]"). *Heller*, 554 U.S. at 635. The Second Amendment "**elevates above all other interests the right of law-abiding, responsible citizens to use arms in defense of hearth and home.**" *Heller*, 554 U.S. at 635. The rights guaranteed by the Second Amendment are fundamental and are, therefore, applicable to the States by incorporation under the Due Process Clause of the 14th Amendment. See *McDonald v. City of Chicago*, 561 U.S. 742, 768 (2010) ("[c]itizens must be permitted to use handguns for the core lawful purpose of self-defense"). In banning home possession, the bill is plainly unconstitutional and thus must be amended to expressly exempt possession of firearms within homes located within 100 feet of a polling place. Poor draftsmanship is intolerable, particularly where it affects the exercise of fundamental constitutional rights. See, e.g., *Briggs v. State*, 413 Md. 265, 992 A.2d 433 (2010). The bill, as written, will not survive constitutional challenge.

**The Bill Overreaches:** We also can see no justification for extending the scope of the ban to 100 feet of a polling station. Of the few states (again only twelve states regulate **any** possession at a polling site) that have enacted similar laws, all but one limits its restrictions on the possession of firearms **to the polling station itself**. The only exception is Missouri which extends its ban outside the polling station but it limits the distance to a mere **25** feet, but further provides that "[p]ossession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises." Missouri, MRS § 571.107.1(2). The bill should be amended to remove the language that extends the prohibition to 100 feet beyond the polling place.

The bill is likewise overbroad in that it would still ban mere possession by persons who are simply on the way to the range or otherwise permitted location or activity, as specified in Md. Code, Criminal Law, §4-203(b), and who just happen to drive by within 100 feet of a polling place. We respectfully suggest that the bill be amended to exempt from the bill's coverage these types of possessions, all of which are totally non-threatening and utterly innocent. Such an amendment would be consistent with the intent in allowing transfers to a vehicle from the residence. If one may legally **transfer** the firearm to the vehicle within 100 feet of the polling site, one should likewise be permitted to **drive** the vehicle within 100 feet of the polling site on the way to or from the range or dealer or other lawful location without being hit with a \$5,000 fine. The House sponsor's amendment to HB 30 addresses this flaw. This bill does not.

We can readily understand the desire to regulate the **open** display of firearms **at** a polling place. However, voter intimidation is rare and we are unaware of any such open display of firearms has ever even happened in Maryland. See <https://www.baltimoresun.com/politics/bs-md-pol-few-incidents-of-voter->

[intimidation-20201211-62xuahitendlbz7nu2svqcscy-story.html](https://www.mymcmedia.org/maryland-attorney-general-voter-intimidation-voter-harassment-is-a-crime/). Voter intimidation, of any kind, is already a crime under both federal law, 18 U.S.C. § 594, and state law, MD Code, Elec. Law § 16-201(a), and that includes banning any brandishing of firearms at a polling station. See Maryland Attorney General Guidance on Voter Intimidation. <https://archive.mymcmedia.org/maryland-attorney-general-voter-intimidation-voter-harassment-is-a-crime/>. The Bill is thus a solution in search of a problem.

In any event, that concern over potential intimidation does not apply to concealed possession otherwise permitted by law. If the firearm is concealed, it cannot intimidate. This Bill should be amended to exempt from its coverage concealed carry not only by off-duty police officers (as permitted by the Bill), but also by permit holders who are otherwise legally permitted to carry concealed firearms in public and who have been already thoroughly investigated and vetted by the Maryland State Police pursuant to MD Code, Public Safety, §5-306. Such permitted individuals have been issued permits for a “good and substantial reason” under Section 5-306, and thus include persons who have demonstrated to the Maryland State Police a **particularized, special** need for self-protection. Of the eight states (including New York and New Jersey) in the United States that impose such a “good cause” requirement on carry permits, **NONE** have imposed any restriction on concealed carry by a permit holder at a polling place. In order to vote, such a permitted person would have to park her vehicle more than 100 feet from the polling place, leave her firearm in the vehicle (where it is open to theft) and walk to the polling place, vote, and walk back to the vehicle. Such an individual should not have to choose between exercising her right to vote and her documented need for self-defense.

Private property owners should likewise be permitted to continue to possess firearms on their own property when it is used as a polling place. For example, polling places are sometimes located in churches, which have voluntarily allowed their private property to be used for these purposes. Many churches recently have added, for good and obvious reasons, private armed security for the protection of the church and private school facilities that may be associated with the church and that are located on the same grounds. Some churches use permit-holders who are also parishioners at the church to provide such security. This bill would effectively ban such private security. Private property holders should not be placed in this dilemma.

School property, if happened to be used as a polling place, would, of course, remain a prohibited area under existing law. See MD Code, Criminal Law, §4-102. Similarly, under federal law, 18 U.S.C. §922(q)(2), the knowing possession of a firearm in a federally defined school zone is banned. Tellingly, however, federal law exempts from that prohibition “private property” not part of school grounds as well as exempting a permit holder “if the individual possessing the firearm is licensed to do so by the State in which the school zone is located.” 18 U.S.C. §922(q)(2)(B)(i), (ii). If those exemptions are appropriate for school zones, they are likewise appropriate for polling places.

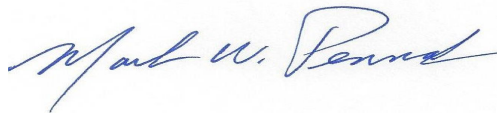
More fundamentally, the bill creates new gun free zones on private property. In particular, the bill would ban a **private property owner** from merely storing firearms (any firearm) on his or her private property if that private property were to be used as a polling place. A mere innocent failure to remove existing firearms from that private property could result in a \$5,000 penalty. Ironically, that reality may well discourage individual private property owners from consenting to the use of their private property as a polling place.

**The Bill Invites Attacks:** By banning virtually all otherwise lawful possession of firearms and failing to mandate armed security for such sites, this bill would actually make polling sites more likely to be attacked by a mass shooter, a criminal or deranged individual, rather than less likely. Everyone at the site is less safe. The Rand Corporation confirms that there is no evidence that a gun-free-zone actually makes people safer. See <https://www.rand.org/research/gun-policy/analysis/gun-free-zones.html>.

A potential shooter, willing to commit murder, will simply not care that this bill would make his possession of a firearm illegal. The numbers are chilling: between 1950 and 2018, 94% of all mass shootings (as properly defined by the FBI) have taken place in gun free zones. <https://crimeresearch.org/2014/09/more-misleading-information-from-bloombergs-everytown-for-gun-safety-on-guns-analysis-of-recent-mass-shootings/>. Between 1998 and December 2015, the percentage is 96.2%. <https://www.nationalreview.com/2014/01/cruelty-gun-free-zones-john-r-lott-jr/>.

Mass shooters are drawn to gun free zones as they know that they will be unopposed for extended periods while they commit their horrific rampages. See Report from the Crime Prevention Research Center (Oct. 2014), at 10 (available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2629704](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2629704)) (“mass public shooters pay attention to whether people with guns will be present to defend themselves.”). **No sane person would post a gun-free zone sign outside their own home. The statutory equivalent of such a sign is likewise not suitable outside polling places, particularly where the polling places are located on private property.** We urge an unfavorable report.

Sincerely,



Mark W. Pennak  
President, Maryland Shall Issue, Inc.  
mpennak@marylandshallissue.org



**HB0030/243622/1**

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

14 JAN 22  
14:05:35

BY: Delegate Henson  
(To be offered in the Ways and Means Committee)

AMENDMENT TO HOUSE BILL 30  
(First Reading File Bill)

On page 3, strike beginning with the colon in line 7 down through “(I)” in line 8; in line 8, strike the semicolon and substitute “AND:”; in lines 9 and 12, strike “(II)” and “(III)”, respectively, and substitute “(I)” and “(II)”, respectively; in line 11, after “ELECTION” insert “AND THE INDIVIDUAL IS LOCATED AT THE RESIDENCE”; in the same line, strike “AND”; and in line 13, after “PLACE” insert “; OR”

(III) THE INDIVIDUAL IS LAWFULLY TRANSPORTING THE FIREARM IN A VEHICLE ON A PUBLIC ROADWAY THAT IS WITHIN 100 FEET OF A POLLING PLACE”.

# **SB329\_Nicholas\_DeTello.pdf**

Uploaded by: Nicholas DeTello

Position: UNF

Nicholas DeTello

SB0329 Election Law - Polling Sites - Firearms Prohibitions

Unfavorable

2/23/2022

I am a student, Eagle Scout, family man, as well as a Civil Rights Enthusiast. I have voted independently, I am currently registered as a Libertarian, and I have a diverse set of views (some left, some right). These include but are not limited to: equality, limiting abuse of police power, protection of minority groups (such as my direct LGBT family) and decriminalization of victimless crimes (drug possession, gun possession, exercising civil rights, etc.).

As a Maryland gunowner I am frequently subjected to new and deceptive forms of gun control, including in this case restrictions on carrying a firearm. This bill is a solution to a non-existent problem. The fact that it targets all forms of carry with a blanket catch-all ban, suggests the intent of this bill is to punish gunowners; otherwise, if the premise of this bill was to prevent, say, voter-intimidation, why would it punish gunowners who would otherwise be legally carrying a firearm in a **concealed** manner? How could a voter claim they were intimidated by a firearm they didn't see? Making different conditions for LEO's and individuals is also a predictable, classist move to disempower citizens in favor of government agents. The bill laughably claims to be an "EMERGENCY BILL" yet it's just a rehash of last year's failed bill, SB10. For these reasons I urge an unfavorable report of Senate Bill 329.



Nicholas DeTello

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