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March 5, 2026

**TO:** The Honorable Melissa Wells  
Chair, Government, Labor, and Elections Committee

**FROM:** Tiffany Clark  
Director, Legislative Affairs, Office of the Attorney General

**RE:** House Bill 1356 – Labor and Employment - Civic and Related Activities - Protection (Maryland Employee Civic Activity and Lawful Expression Protection Act) (Letter of Concern)

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The Office of the Attorney General (OAG) respectfully submits this letter of concern regarding House Bill 1356 – Labor and Employment - Civic and Related Activities - Protection (Maryland Employee Civic Activity and Lawful Expression Protection Act). HB 1356 prohibits employers from taking adverse action against employees based on their political activity, civic activity, or lawful expression, and grants the Attorney General discretionary complaint investigation authority.

While we appreciate the intent of this legislation to protect Maryland workers from retaliation for exercising their civic and political rights, we have identified the following considerations that warrant the Committee's attention:

**Undefined OAG Authority**

HB 1356 authorizes employees to file complaints with the Attorney General and provides that the Attorney General "may investigate and use all legal remedies available." However, the bill does not define what investigatory powers the Attorney General would have or what legal remedies would be available. Without a clear statutory grant of authority, such as subpoena

power, civil penalty authority, or a defined enforcement mechanism, the AG's role under this bill would be largely unworkable in practice.

### **Conflict of Interest Concerns**

House Bill 1356 defines "employer" to include "a unit of State or local government" with no exemptions. This creates a structural conflict of interest: if an OAG employee files a complaint alleging retaliation for off-duty civic activity, the complaint would be directed to the very office that employs them. Additionally, OAG serves as legal counsel to State agencies. If an employee at a client agency files a complaint with the Attorney General under this bill, OAG could simultaneously be in the position of investigating that agency and serving as its legal counsel.

### **Ambiguity in the Definition of "Employer"**

House Bill 1356 defines "employer" as "including" units of State and local government and persons acting in the interest of another employer, but does not affirmatively define what an employer is. This drafting gap could create uncertainty about the bill's scope, including whether it covers employers of independent contractors.

### **Potential Conflict with State Personnel Law**

The political activity rights and restrictions applicable to State employees are already addressed in § 2-304 of the State Personnel and Pensions Article. To the extent HB 1356 creates overlapping but different protections for State employees, it could create interpretive conflicts.

### **Potential Federal Preemption on Captive Audience Meetings**

HB 1356's prohibition on mandatory captive audience meetings may intersect with federal labor law. While current federal law restricts these meetings, that landscape is subject to change, and any divergence between State and federal standards could raise preemption concerns.

We appreciate the sponsors' commitment to protecting Maryland workers' civic rights and remain available to work collaboratively to address these considerations as the legislation advances.

Cc: Members of the Committee