GUNS AT POLLING LOCATIONS

Voter intimidation is a federal crime; however, bringing firearms to voting locations is not categorized as a crime. According to the Giffords Law Center, only six states specifically ban guns at polling locations: Arizona, California, Florida, Georgia, Louisiana, and Texas. Four other states, Missouri, Mississippi, Nebraska, and South Carolina ban concealed weapons at the polls but the Giffords law Center points out that this would allow open-carry weapons. According to the Giffords Law Center, “Most states do not have policies addressing firearms in polling places, and it’s important for voters to understand how their jurisdiction handles guns on Election Day.”

There is growing concern that firearms could be used to intimidate voters heading into the 2020 election. Heading into the 2016 elections Talking Points Memo reported, “Of particular concern are states with loose open carry laws, where already, some armed Trump supporters have shown an interest in making their presence known at voting sites.” Trump supporters rallied outside the Republican National Convention in Cleveland while openly carrying weapons. The Washington Post reported that election officials in Virginia were worried about guns at polling locations after candidate Trump urged voters to watch polling places for what he called fraud. An attorney for the NAACP Legal Fund said in 2016, “The idea that people would be standing outside the polls with guns, or even inside the polls with guns, clearly has the potential to turn people away. There’s a long history of this.”

Gun rights activists were dismissive of the perception that firearms at polling locations could be considered voter intimidation. The website Bearing Arms wrote, “Gun rights activists are used to dealing with the stupid from anti-gunners. Social media especially is littered with armchair experts who talk about tasing or pepper spraying lawful gun owners carrying a firearm in according with all rules and regulations.”

Reports of intimidation have been recorded across the country in recent years. A voter in Tuscaloosa County Alabama in 2016 wore a .45 caliber pistol to vote. In 2016, a 61-year-old Ohio man told the Boston globe he planned to watch his precinct and make voters he saw as non-American “a little but nervous.” In 2018, the Center for American Progress reported “a rash of racially motivated attempts to frighten voters.” A polling location in Florida was held in lockdown when a man with a gun was reported nearby. In 2016, two LA polling locations were locked down after a man exchanged fire with police.

Key findings:

**Michigan**: Michigan law does not specifically address guns at polling location. In 2016, a spokesman for the Michigan Secretary of State said, “State election law does not address firearms laws in polling locations, so normal rules for carrying laws apply.” Adding, “It's just not addressed in election law.” This ambiguity has led to confusion at the local level. In 2016, Grand Rapids city clerk Darlene O’Neal claimed that usual restrictions for guns did not apply to public spaces when they became voting locations. O’Neal said, “We're not looking to bother them if they do bring a firearm because they're not breaking the law.” Ypsilanti City Councilman Pete Murdock said in 2016, “If you have a half dozen guys show up with AKs and ARs - that’s voter intimidation, to me, and that’s not allowed either.” Michigan officials were concerned that there would be voter intimidation in 2016 and instructed poll workers in how to respond. In 2012, a voter was allegedly intimidated by a poll watcher who claimed to have a “badge and a gun.” No instances of voter intimidation with firearms were found in 2016 or 2018.
**North Carolina:** According to the Giffords Law Center, “North Carolina has no statutes prohibiting firearms in the following places, although administrative regulations may apply: Hospitals; Sports arenas; Gambling facilities; or Polling places.” Patrick Gannon of the North Carolina State Board of Elections said in 2016, “Firearms are regulated under various provisions associated with the facilities at which voting is taking place: no guns in schools (most polling places), state buildings, municipal buildings.” In 2018, a man with a gun threatened a voter outside a Charlotte voting location. According to the Charlotte Observer, “Charlotte’s polling places will get extra attention from Charlotte-Mecklenburg police after an armed man threatened a black Republican campaign volunteer in the parking lot of an early voting location, police said. Police arrested Jason Donald Wayne, 28, and charged him with ethnic intimidation, communicating threats, disorderly conduct and ‘going armed to the terror of the people.’”

**Pennsylvania:** According to CNN, “Pennsylvania generally allows the carrying of unconcealed firearms in public and there are no laws that specifically prevent a person from carrying or possessing a firearm at a polling place. Philadelphia, however, is different, and a license is required to openly carry a firearm.” According to the Washington Post, while guns are permitted at polling locations, police must remain 100 feet away. State Representative Mary Jo Daley has proposed legislation to ban guns at polling locations, but her bill did not receive any votes or serious consideration in the Republican controlled chamber. In 2016 there was a report of a Conewago Township man voting with a gun. In 2018, a 48-year-old man was arrested in In South Franklin for threatening to “shoot up” a polling place. In 2008 a Philadelphia man reportedly stood outside a polling location with a nightstick, generating national interest. In 2016, according to the Huffington Post, “The man who promoted a video of that incident is Mike Roman, who has reportedly been working on election protection efforts in connection with the Trump campaign.”

**Virginia:** In 2016, localities like Prince William County considered a one-day ban of firearms at polling locations. According to the Washington Post, “The Prince William County electoral board, wary of the heated atmosphere of the coming Election Day, considered seeking a one-day ban on weapons at polling places located on private property but was rebuked by a gun-friendly state legislator.” In 2016, a Trump supporter passed out literature at a Loudon County, Virginia polling location while wearing a holstered gun. In addition, two Trump supporters staged a 12-hour open carry protest outside the campaign office of Jane Dittmar, a candidate for Congress in Virginia’s fifth district. in October of 2016.

**Wisconsin:** According to the Washington Post, “The Prince William County electoral board, wary of the heated atmosphere of the coming Election Day, considered seeking a one-day ban on weapons at polling places located on private property but was rebuked by a gun-friendly state legislator.” Public Information Officer for the Wisconsin Elections Commission said in 2016, “Public Information Officer for the Wisconsin Elections Commission.” Wisconsin Republican Party County Chairman Rohn Bishop said he expected a “big push…for poll observers” in 2020. In 2018, a Wisconsin man posted a video of himself shooting a weapon near a polling location.
**Activity in States**

**Michigan**

**Michigan Law Did Not Address Guns At Polling Locations.** According to CNN, “Michigan does not prohibit carrying an unconcealed firearm, but Michigan law is silent on the whether guns are permitted polling places. ‘It’s just not addressed in election law,’ Fred Woodhams, spokesman for the Michigan secretary of state, told CNN.” [CNN, 11/7/16]

**Michigan SOS Spokesman: “State Election Law Does Not Address Firearms Laws In Polling Locations, So Normal Rules For Carrying Laws Apply.”** According to MLive, “‘State election law does not address firearms laws in polling locations, so normal rules for carrying laws apply,’ said Fred Woodhams, spokesman for the Michigan Secretary of State, which oversee elections.” [MLive, 11/3/16]

**Michigan Secretary Of State Said Guns At Polls “Just Not Addressed In Election Law.”** According to CNN, “Michigan does not prohibit carrying an unconcealed firearm, but Michigan law is silent on the whether guns are permitted polling places. ‘It’s just not addressed in election law,’ Fred Woodhams, spokesman for the Michigan secretary of state, told CNN.” [CNN, 11/7/16]

**Michigan: Christian Science Monitor: “Many Republican-Led States Balk At Open Carry In The People’s Hall For Personal Safety Reasons, And Courts Have Upheld Bans In Places Like Legislatures And Polling Places.”** According to the Christian Science Monitor, “Today, 21 state capitols allow guns in some form, according to a Wall Street Journal report. But only a few, including Michigan, allow citizens to openly carry under the rotunda. Many Republican-led states balk at open carry in the people’s hall for personal safety reasons, and courts have upheld bans in places like legislatures and polling places, holding that guns can chill other people’s rights.” [Christian Science Monitor, 5/4/20]

**Ypsilanti City Councilman Pete Murdock: “If You Have A Half Dozen Guys Show Up With AKs And ARs - That’s Voter Intimidation, To Me, And That’s Not Allowed Either.”** According to MLive, “‘I’m not saying that we’re going to have any issues, but you don’t know, given the talk that’s around,’ Murdock said. ‘If you have a half dozen guys show up with AKs and ARs - that’s voter intimidation, to me, and that’s not allowed either. ‘This election has been crazy and it’s only going to go downhill from here,’ he said.” [MLive, 11/3/16]

- “Murdock Stressed The Issue Is About Voter Intimidation, Not Taking Away Guns.”
  According to MLive, “Murdock stressed the issue is about voter intimidation, not taking away guns. ‘If you’re sitting around at the polls screaming and yelling at people, that’s voter intimidation, and you can have people removed for that,’ he said.” [MLive, 11/3/16]

**Grand Rapids Officials Believed Usual Restricts On Guns At Public Spaces Did Not Apply When They Became Voting Locations.** According to MLive, “Grand Rapids officials are saying the usual restrictions on guns in schools and churches don’t apply when the building is being used as a polling place. ‘It’s government space’ during voting hours, which means anybody 18 and older can open carry and people with a concealed pistol license can carry a concealed weapon, [Darlene O’Neal, the city clerk in Grand Rapids] said.” [MLive, 11/3/16]

Gather At Polling Locations.” According to MLive, “Ypsilanti Councilman Brian Robb said he finds it ‘hilarious and ironic’ that the state banned ‘ballot selfies’ but ‘groups of residents with semi-automatic weapons can gather at polling locations.’ Michigan law prohibits photographs of voters’ ballots. A Portage resident challenged that law, but the court are keeping the ban in place for now.” [MLive, 11/3/16]

Previous Incidents

2016: Ingham County Clerk Took ‘No-Tolerance’ Approach To Voter Intimidation. According to MLive, “Ingham County Clerk Barb Byrum said she’s made it clear to election officials in her county that she’s taking a no-tolerance approach to attempts at voter intimidation. ‘It’s imperative to let voters know that we won’t stand for it,’ she said. ‘If any poll worker thinks somebody is intimidating voters, I’m telling them to warn the person once and then call law enforcement the next time it happens,’ she said. ‘People have the right to vote, and if they feel threatened, I will address that.’” [MLive, 11/3/16]

Kalamazoo City Clerk Scott Borling: Poll Watchers In 2016 Were Instructed How To Deal With Issue. According to MLive, “[Kalamazoo City Clerk Scott Borling] said he’s not sure if there will be poll watchers or challengers at city polling places on Tuesday, but poll workers have been instructed on how to deal with the issue. ‘We haven’t had problems in the past, so we don’t know what to expect,’ he said. ‘We’re encouraging our workers to be cordial (towards poll watchers) and not take an adversarial approach.”’ [MLive, 11/3/16]

2016: Michigan Election Officials Were Worried Voters Would Bring Guns To Vote. According to MLive, “With Donald Trump calling on citizens to guard against a ‘rigged’ election, some Michigan election officials are worried people may bring guns -- and perhaps intimidate voters -- to polling places on Tuesday.” [MLive, 11/3/16]

2012 Voter Was Allegedly Intimidated By Poll Watcher Who Claimed To Have A “Badge And Gun.” According to MLive, “Though police have not confirmed the incident, the Michigan Republican Party has released a statement on a complaint from a GOP poll watcher who said he was threatened at a Detroit polling place. An unnamed Republican lawyer claimed he was headed into a polling place as a credentialed poll watcher when he was confronted by a voter in line, according to the statement. The voter demanded to see his credentials, then allegedly told the poll watcher he had ‘a badge and a gun’ and ordered him out of the precinct.” [MLive, 11/6/12]

NORTH CAROLINA

North Carolina Has No Law Prohibiting Guns At Polling Places. According to the Giffords Law Center, “North Carolina has no statutes prohibiting firearms in the following places, although administrative regulations may apply: Hospitals; Sports arenas; Gambling facilities; or Polling places.” [Giffords Law Center, 11/6/19]

2016 North Carolina State Board Of Elections Confirmed State Did Not Have Provision Banning Guns At Polling Locations. According to CNN, “North Carolina generally allows carrying an unconcealed firearm in public and has no statutes prohibiting firearms in polling places. ‘(I)nstead firearms are regulated under various provisions associated with the facilities at which voting is taking place: no guns in schools (most polling places), state buildings, municipal buildings, etc.,’ according to Patrick Gannon of the North Carolina State Board of Elections.” [CNN, 11/7/16]
CNN: “North Carolina Generally Allows Carrying An Unconcealed Firearm In Public And Has No Statutes Prohibiting Firearms In Polling Places.” According to CNN, “North Carolina generally allows carrying an unconcealed firearm in public and has no statutes prohibiting firearms in polling places. ‘(I)nstead firearms are regulated under various provisions associated with the facilities at which voting is taking place: no guns in schools (most polling places), state buildings, municipal buildings, etc.,’ according to Patrick Gannon of the North Carolina State Board of Elections.” [CNN, 11/7/16]

Previous Incidents

2018: Man With Gun Threatened Black Republican Campaign Volunteer In Parking Lot Of Early Voting Location. According to the Charlotte Observer, “Charlotte’s polling places will get extra attention from Charlotte-Mecklenburg police after an armed man threatened a black Republican campaign volunteer in the parking lot of an early voting location, police said. Police arrested Jason Donald Wayne, 28, and charged him with ethnic intimidation, communicating threats, disorderly conduct and ‘going armed to the terror of the people,’ according to a CMPD news release. The campaign worker, 66-year-old Derek Partee, continued to volunteer outside the Steele Creek polling place the day after the incident. He said he relied on his training as a New York police detective Wednesday afternoon, when he first spotted a suspicious car in the parking lot.” [Charlotte Observer, 10/25/18]

2016: Firebomb Was Thrown At Republican Party Headquarters In Orange County North Carolina. According to the Associated Press, “A bottle filled with flammable liquid was thrown through the window of the Orange County Republican Party headquarters early Sunday, damaging the interior before burning out, according to authorities. Someone also spray-painted ‘Nazi Republicans leave town or else’ on a nearby wall. The office was empty and no one was injured. Local party officials reopened a makeshift operation on folding tables outside the office Monday while uniformed police looked on. Plainclothes investigators looked for evidence at the scene as state, local and federal investigators divided up leads.” [Associated Press, 10/16/16]

Pennsylvania

CNN: “Pennsylvania Generally Allows The Carrying Of Unconcealed Firearms In Public And There Are No Laws That Specifically Prevent A Person From Carrying Or Possessing A Firearm At A Polling Place.” According to CNN, “Pennsylvania generally allows the carrying of unconcealed firearms in public and there are no laws that specifically prevent a person from carrying or possessing a firearm at a polling place. Philadelphia, however, is different, and a license is required to openly carry a firearm. Moreover, if the polling place is located in an otherwise prohibited place, such as an elementary school or courthouse, then firearms are prohibited, according to Pennsylvania State Department spokeswoman Wanda Murren.” [CNN, 11/7/16]

Guns Allowed At PA Voting Booths, But Law Enforcement Must Remain 100 Feet Away. According to the Washington Post, “In fact, some state laws on guns could even be interpreted as counterproductive to voter safety. In Pennsylvania, for instance, voters can bring a handgun or rifle along to vote — but law enforcement has to stay at least 100 feet from the polling booth.” [Washington Post, 11/6/16]
2018; State Legislature Introduced Bill To Prohibit Guns At Voting Locations. According to The Sentinel, “As voters head out to the polls there is one item two lawmakers are hoping they will leave at home: their guns. Rep. Mary Jo Daley, D-Montgomery County, and Rep. Christopher Rabb, D-Philadelphia, have introduced a bill that would ban the possession of firearms at polling places.” [The Sentinel, 10/18/18]

HB 2711 Would Make It A Third-Degree Misdemeanor To Possess A Firearm At Any Polling Place And A First Degree Misdemeanor To Possess A Firearm At A Polling Place. According to The Sentinel, “House Bill 2711 would make it a third-degree misdemeanor to possess a firearm at any polling place and a first degree misdemeanor to possess a firearm at a polling place with the intent to commit a crime or use a firearm at a polling place in the commission of a crime.” [The Sentinel, 10/18/18]

- HB2711 Was Referred To The Judiciary Committee And Did Not Receive And Votes. [Pennsylvania General Assembly, 10/12/18]


- Bill Sponsor: “Our State Laws Do Not Reflect The Concern Of The Department Of State, And Can Even Be Interpreted As Counterproductive To Voter Safety.” According to The Sentinel, “‘Unfortunately, our state laws do not reflect the concern of the Department of State, and can even be interpreted as counterproductive to voter safety,’ the co-sponsorship letter reads. ‘While voters can bring a handgun or rifle along to vote, law enforcement officers must stay at least 100 feet from the polling booth.’” [The Sentinel, 5/13/19]

Firearms Allowed In PA Voting Locations Unless They Are Inside A Courthouse Or School. According to The Sentinel, “Under current law, voters may bring firearms to a polling place unless it is banned by some other law. For example, since firearms are prohibited at courthouses and schools, if a polling place is inside a courthouse or school, it is illegal for a voter to bring a gun when voting.” [The Sentinel, 10/18/18]

Bill Sponsor Argued Current Law Could “Be Interpreted As Counterproductive To Voter Safety.” According to The Sentinel, “‘Unfortunately, our state laws do not reflect the concern of the Department of State, and can even be interpreted as counterproductive to voter safety,’ the co-sponsorship letter reads. ‘While voters can bring a handgun or rifle along to vote, law enforcement officers must stay at least 100 feet from the polling booth.’” [The Sentinel, 10/18/18]

Proposed Bill Would Require Posting Notice About Gun Ban At Polls. According to The Sentinel, “Notices about the ban on firearms at polling places would be required to be posted at the polling places themselves and exceptions to the law would be made to law enforcement officers acting in their official capacity.” [The Sentinel, 10/18/18]

Bill Sponsor: “Guns Have No Place In A Voting Booth And Will Only Further Increase Tensions Between Political Sides. Nobody Should Feel Uncomfortable Or Intimidated During The Electoral Process.” According to a Pennsylvanial House of Representatives Memorandum from Representative Mary Jo Daley, “I believe it is time to extend the prohibition to all areas of a polling place holding an
election. Specifically, my legislation would make it a misdemeanor of the third degree for knowingly possessing a firearm in a polling place, and a misdemeanor of the first degree for using the firearm at a polling place in a commission of a crime. Notice of the firearm prohibition would be required to be placed at each public entrance. Guns have no place in a voting booth and will only further increase tensions between political sides. Nobody should feel uncomfortable or intimidated during the electoral process.” [Pennsylvania House of Representatives Memorandum, 2/4/19]

Pennsylvania Department Of State Issued Guidance On Voter Intimidation For 2016 Election After Concerns Of Intimidation From Trump Supporters. According to the York Daily Record, “In a sign of this stormy election season, the Pennsylvania Department of State has issued a memo to county elections offices called ‘Guidance on voter intimidation and discriminatory conduct.’ This set forth no new rules, but highlighted some areas of concern raised in this election. This comes two months after Republican candidate Donald Trump, speaking in Altoona, urged supporters to go to ‘certain areas’ to make sure voters don’t vote multiple times. That comment and others by Trump have sparked fears of voter intimidation for minorities, who are more likely to vote for Democratic opponent Hillary Clinton.” [York Daily Record, 10/21/16]

PA Department Of State: “Voters Who Have A Legal Right To Carry A Firearm Cannot Be Prohibited From Entering The Polling Place To Vote.” According to the York Daily Record, “At some polling places, Pennsylvanians would be allowed to cast their vote while wearing pistols or with rifles strapped on their backs. ‘Voters who have a legal right to carry a firearm cannot be prohibited from entering the polling place to vote,’ the document states. Guns will remain prohibited at polling sites held in buildings where they are not allowed, such as schools and courthouses.” [York Daily Record, 10/21/16]

“[Pennsylvania] Law Requires That Police Remain 100 Feet Or More From A Polling Place Entrance Unless They're Called To The Scene.” According to the York Daily Record, “If voters turn out while bearing arms, police may be in a tough situation. State law requires that police remain 100 feet or more from a polling place entrance unless they're called to the scene, the document states.” [York Daily Record, 10/21/16]

“The Department Of State Lists ‘Ostentatious Showing Of Weapons’ As A Form Of Voter Intimidation Or Discriminatory Conduct, Creating A Gray Area For The Local Officials Who Might Have To Make That Call.” According to the York Daily Record, “The Department of State lists ‘ostentatious showing of weapons’ as a form of voter intimidation or discriminatory conduct, creating a gray area for the local officials who might have to make that call. State Department spokeswoman Wanda Murren attempted to clarify, saying that ‘Something that’s meant to be intimidating’ would be enough to call in local constables or police.” [York Daily Record, 10/21/16]

City Of Philadelphia Banned Openly Carrying Firearms, Which Included Polling Places. According to the York Daily Record, “Philadelphia, the state’s largest city and a Democratic stronghold, has its own set of rules when it comes to firearms. The city prohibits people from openly carrying firearms, so that would not be allowed at any of its polling places.” [York Daily Record, 10/21/16]

Previous Incidents

2016 PA Department Of State Issued Memo Stating That “Ostentatious Showing Of Weapons” Was A Form Of Voter Intimidation. According to a Pennsylvania House of Representatives Memorandum from Representative Mary Jo Daley, “Prohibiting Firearms at Polling Places Due to how
contentious the 2016 Presidential Election Day was gearing up to be, the Pennsylvania Department of State issued a memo to county election offices which listed the ‘ostentatious showing of weapons’ as a form of voter intimidation or discriminatory conduct. Unfortunately, our state laws do not reflect the concern of the Department of State, and can even be interpreted as counterproductive to voter safety.” [Pennsylvania House of Representatives Memorandum, 2/4/19]

**PA Voter In Conewago Township Voted With Gun: “I Let People Know I Like All My Other Rights.”** According to the York Daily Record, “Jeff O’Brien was exiting the Conewago Township municipal building after voting in Tuesday’s primary when I noticed the gun strapped to his right hip. My curiosity sparked, so I jogged after him. Approaching the unassuming man, I introduced myself as a reporter with the YDR and began asking him about his obvious appreciation for the Second Amendment. ‘I let people know I like all my other rights,’ said O’Brien, a 46-year-old engineer who lives on a 55-acre horse farm. He has been regularly carrying a firearm in public for about 15 years.” [York Daily Record, 4/26/16]

**2018: Pennsylvania Man Arrested For Threatening To Shoot Up Polling Location.** “Police arrested a man on Tuesday after he threatened to ‘shoot up’ a polling place in Pennsylvania. Local police said 48-year-old Christopher Thomas Queen showed up at the South Franklin Volunteer Fire Hall in South Franklin Township around 8 a.m. to vote, but was told he was not registered to vote in that area, according to KDKA. Queen allegedly became angry, said he was going to get a gun and ‘shoot up’ the polling place, and then quickly left, the station reported. Witnesses said the man was shaking as he left the polling station. He was arrested at a separate location, facing charges of terrorist threats and disorderly conduct, police said. He was charged with disorderly conduct and making terrorist threats. Polls in Pennsylvania close at 8 p.m. Republicans are hoping to keep control of the House in this election, the first one since President Trump’s win over Hillary Clinton in

**2008: Man Stood Outside Philadelphia Polling Location Holding A Nightstick.** According to the Huffington Post, “Conservative media outlets and Republicans in Washington spent significant time and resources attacking the Obama administration because they disagreed with the Justice Department’s handling of 2008 incident in which a man stood outside a polling place in Philadelphia holding a nightstick. The man who promoted a video of that incident is Mike Roman, who has reportedly been working on election protection efforts in connection with the Trump campaign.” [Huffington Post, 11/4/16]

**Virginia**

**Spokeswoman For The Virginia Department Of Elections: “There Is No Law Specifically Banning Firearms From A Polling Place.”** According to the Breeze, “‘There is no law specifically banning firearms from a polling place,’ Andrea Gaines, spokeswoman for the Virginia Department of Elections, said Thursday.” [The Breeze, 11/29/18]

**Virginia Lawmakers Banned Guns At The State Capital.** According to the Associated Press, “Virginia lawmakers voted Friday to ban firearms at the state Capitol, the first in what’s expected to be many contentious gun votes in coming weeks. Newly empowered Democrats who made up a majority of a special rules committee voted to ban guns at the Capitol and a legislative office building despite bitter protests from Republicans, saying the move was needed to protect public safety.” [Associated Press, 1/10/20]
• **Virginia Capital Police Recommended Measure.** According to the Associated Press, “Democrats initially indicated that the new ban had been recommended by law enforcement. ‘I just have to say that this is something that’s been recommended by our Capitol Police. And I think there are times when we sort of have to trust what our law enforcement officers are telling us,’ House Majority Leader Charniele Herring said.” [Associated Press, 1/10/20]

2020: **Pro-Gun Virginians Pledged To Rally For Rights.** According to the Associated Press, “Public officials have expressed concerns about planned Jan. 20 rallies that are set to draw huge crowds of pro-gun and gun-control advocates. Gun advocates from around Virginia and even out of state have pledged to turn out in force to highlight their resistance to proposed gun-control measures.” [Associated Press, 1/10/20]

2016 Virginia Prohibits Weapons At Locations That Are Often Polling Places Like Schools. According to CNN, “Virginia generally allows carrying an unconcealed firearm in public. Virginia does, however, prohibit the carrying of certain kinds of loaded firearms, openly or concealed, in certain locations, such as schools.” [CNN, 11/7/16]

2016: **Prince William County Officials Considered One Day Ban Of Guns At Polling Places.** According to the Washington Post, “In Virginia's Prince William County, where you can bring your gun into county government buildings, The Washington Post's Patricia Sullivan reports that the electoral board is considering seeking a one-day ban on weapons at polling places on private property.” [Washington Post, 11/6/16]

• **Officials Were Wary Of Heated Atmosphere Of Election Day.** According to the Washington Post, “The Prince William County electoral board, wary of the heated atmosphere of the coming Election Day, considered seeking a one-day ban on weapons at polling places located on private property but was rebuked by a gun-friendly state legislator.” [Washington Post, 10/18/16]

Virginia State Delegate Argued County BOE’s Had No Authority To Ban Guns. According to the Washington Post, “Late last week, Del. Robert G. Marshall (R-Prince William) sent a letter to the board pointing out that it has no power to ban guns from polling places except for schools and courthouses, where weapons are prohibited by state law.” [Washington Post, 10/18/16]

Previous Incidents

2016: **Trump Supported Passed Out Literature While Wearing Holstered Gun.** According to CNN, “On Friday, a Trump supporter showed up to a Loudoun County polling station in Virginia, sporting a handgun in his waistband as he offered sample Republican ballots to voters outside. ‘And as a voter, I felt intimidated,’ Erika Cotti told CNN. ‘As my son and I walked away, I heard the man with the gun say... you’re voting for Crooked Hillary.’” [CNN, 11/7/16]

2016: **Two Virginia Trump Supporters “Staged A 12-Hour Open Carry ‘Protest’ Outside A Democratic Campaign Office, Though They Denied They Posed Any Kind Of Threat.”** According to Talking Points Memo, “Two Trump supporters in Virginia last week staged a 12-hour open carry ‘protest’ outside a Democratic campaign office, though they denied they posed any kind of threat. If that sort of the activity is the harbinger of things to come at polling places on Election Day, it could be a violation of federal law.” [Talking Points Memo, 10/18/16]
- **Protest Was Held In Support Of Trump.** According to Talking Points Memo, “Two Donald Trump supporters openly carrying firearms sat outside the campaign office of a Democratic candidate for Congress in Virginia for nearly 12 hours on Thursday, according to CBS affiliate Newsplex in Charlottesville. One of the protesters, Daniel Parks, told Newsplex that he held the protest to support Trump.” [TPM, 10/14/16]

- **Protest Occurred Outside Campaign Office Democrat Jane Dittmar’s Office In Palmyra, Virginia.** According to Talking Points Memo, “Parks and another Trump supporter who later joined him outside the campaign office Democrat Jane Dittmar’s office in Palmyra, Virginia, were openly carrying guns, Su Wolff, a volunteer for Dittmar, told Newsplex… Dittmar is running against State Sen. Thomas A. Garrett Jr. (R) for the 5th Congressional District seat currently held by Rep. Robert Hurt, who is not seeking re-election.” [TPM, 10/14/16]

2016: **Trump Voters With Guns Questioned Voters At Virginia Polling Places.** According to the Washington Post, “On Friday, voters headed to drop off their absentee ballots at a voting location in Virginia’s Loudoun County were greeted by a man sporting both a Trump shirt and a gun strapped to his waist, the Huffington Post reported. ‘He’s like, ‘Who are you going to vote for, crooked Hillary?’ And I was like, that’s really none of your business,’ Erika Cotti, an active Democrat, told the website. It may not have been the most effective mode of political outreach. But it wasn’t an illegal one. Virginia is an open carry state — and, as in most open carry states, there is no exception for polling places.” [Washington Post, 11/6/16]

2016: **Law Enforcement Officials Claimed They Did Not Hear About Organized Disruptions At Polling Places.** According to The Trace, “Law enforcement and election officials in Texas, Virginia, Georgia, Colorado, Mississippi, and Louisiana said they had not heard about any organized disruptions planned for Election Day, and most said they were not taking unusual steps to prepare.” [The Trace, 10/21/16]

2016: **Prince William County Virginia Officials Worried That Heated Rhetoric May Cause Issues At Polling Locations.** According to the Washington Post, “Keith A. Scarborough, the Prince William County’s electoral board secretary, said that “many election officers,” who are legally barred from carrying weapons, were concerned that heated campaign rhetoric might infect the normally calm civic atmosphere at the polls.” [Washington Post, 10/18/16]

- **Prince William County’s Electoral Board Secretary: “It’s Not A Majority By Any Means, But We’ve Had Several Election Officers Who Said…They Are Worried Something Is Going To Happen On Election Day.”** According to the Washington Post, “‘It’s not a majority by any means, but we’ve had several election officers who said…they are worried something is going to happen on Election Day,’ Scarborough said in an interview Tuesday. ‘I’ve even heard some voters say, ‘I’m going to vote absentee because I don’t want to be in the polling place on Election Day.’” [Washington Post, 10/18/16]

- **Washington Post: “Seventy Of Prince William’s 91 Polling Places Are In Schools, With The Remaining 21 In Churches, Fire Halls And Community Centers.”** According to the Washington Post, “Seventy of Prince William’s 91 polling places are in schools, with the remaining 21 in churches, fire halls and community centers. Firearms are allowed in county government buildings, such as fire stations, libraries and community centers, the county’s
communications officers said. Private landowners can voluntarily ban weapons from their property.” [Washington Post, 10/18/16]

- **Local Registrar Said BOE Did Not Have Resources To Ask Church-Based Polling Locations To Ban Guns.** According to the Washington Post, “Scarborough said that the local registrar, Michele L. White, told the board that her staff doesn’t have the resources or authority to ask church-based polling places to ban guns. White did not return several requests for comment.” [Washington Post, 10/18/16]

- **VA Election Board Member Could Not Recall Any Issues With Voters Or Poll Observers With Guns.** According to the Washington Post, “Scarborough, a Democrat who has held his electoral board position since 2007, said the county has not had any incidents of issues with gun-toting voters or observers at the polls in the past.” [Washington Post, 10/18/16]

- **Prince William County Board Member Preferred To Not Allow Guns At Polling Locations.** According to the Washington Post, “In a written response to Marshall, Scarborough said that all voters and electoral officers deserve the same level of protection that they will have at schools and that the board was seeking ‘a consistent policy’ across all the precincts. He said the board has discussed the matter twice and knows it is ‘completely up to the private facility’ to decide whether to bar firearms. His preference, he said, is that all polling places in Virginia should be gun-free zones on Election Day, and he suggested that Marshall introduce a bill to that effect in the next legislative session.” [Washington Post, 10/18/16]

- **Prince William County BOE Member Expressed Concern About Guns At Polls After A Constituent Complained.** According to the Washington Post, “In an interview, Marshall said he expressed concern on behalf of a constituent who complained to him that voters legally carrying guns would not be allowed into polling places.” [Washington Post, 10/18/16]

**2016: Man In Donald Trump Shirt Stood Outside Voting Location With Weapon In Loudon County Virginia.** According to the Huffington Post, “A man wearing a Donald Trump shirt and carrying a weapon stood outside a voting location in Loudoun County, Virginia, on Friday. Authorities in the nation’s richest county are apparently OK with that. Erika Cotti encountered the man when she went to vote at the county’s registrar’s office, she told The Huffington Post. Virginia doesn’t have early voting per se, but voters can cast in-person absentee ballots for a host of reasons, like if they’re going to be out of the county or city on Election Day.” [Huffington Post, 11/4/16]

**Voter: “I Had My 9-Year-Old Son With Me. I Felt Intimidated.”** According to the Huffington Post, “‘I had my 9-year-old son with me. I felt intimidated,’ Cotti said. ‘And I had to explain to my 9-year-old why a man with a 357 magnum is standing outside the polling station.’ Cotti said the man offered her a Republican sample ballot, which she declined. ‘He’s like, ‘Who are you going to vote for, crooked Hillary?’ And I was like, that’s really none of your business,’ Cotti said, adding that the man was standing in the sidewalk outside of the office when they left and blocking their path.” [Huffington Post, 11/4/16]

**Voter: “We’re An Open Carry State, I Get That. But He’s Wearing A Huge Trump T-Shirt, He Has A Huge Gun, And He Was Obstructing My Exit On Public Property. That’s Insane To Me.”** According to the Huffington Post, “Cotti is a politically active resident who was quoted in a Washington Post story last year about political dysfunction in Loudoun. She said she didn’t think the man’s conduct should be allowed. ‘We’re an open carry state, I get that. But he’s wearing a huge Trump T-shirt, he has
a huge gun, and he was obstructing my exit on public property,’ Cotti said. ‘That’s insane to me.’” [Huffington Post, 11/4/16]

*Man With Gun Was Handing Out GOP Literature.* According to the Huffington Post, “Judy Brown, Loudoun County registrar, confirmed that the man was standing outside her office in Leesburg and handing out GOP literature. ‘There is a gentleman standing outside the office with a holstered gun,’ Brown told HuffPost. ‘According to law enforcement, because Virginia is open carry, he’s allowed to have it.’” [Huffington Post, 11/4/16]

*Election Officials Left Man Alone, Claiming He Was Within His Rights.* According to the Huffington Post, “Brown noted that the man was ‘being nice’ to people, and that he appeared to respecting the observed 40-foot no-canvasing zone outside of the entrance. ‘They said that there’s nothing they could do, that he was well within his rights to be carrying his weapon,’ Brown said. Brown said her office contacted the local Republican Party, which got the man to agree to pull his Trump shirt over the weapon so people couldn’t see it. ‘Hopefully nobody else will be concerned about him,’ Brown said.” [Huffington Post, 11/4/16]

*Loudoun County Republican Committee Chairman Will Estrada Said The Man Had A Permit To Carry, Covered Gun When He Learned It Was Bothersing Voters.* According to the Huffington Post, “Loudoun County Republican Committee Chairman Will Estrada told HuffPost that the man was a former law enforcement official and veteran with a concealed carry permit. ‘We don’t want to startle anyone,’ Estrada said in a text message. ‘He felt really bad, he pulled his T-shirt over it, and I think everything was fine after that.’ Estrada said he doesn’t want to specifically ban his volunteers from carrying weapons.” [Huffington Post, 11/4/16]

- “But I’ve Told All Of Our Volunteers That We’re Here For Our Candidates, We Don’t Want Us To Become The Story.” According to the Huffington Post, “‘It’s a free country,’ Estrada said. ‘I’m a NRA life member myself. So long as no laws are being broken, I’m not going to tell someone they can’t. But I’ve told all of our volunteers that we’re here for our candidates, we don’t want us to become the story.’” [Huffington Post, 11/4/16]

**Wisconsin**

*Wisconsin Has No Laws Prohibiting Firearms In Polling Places.* According to the Giffords Law Center, “Unless the property owner has posted the appropriate sign, Wisconsin has no laws prohibiting firearms in: Hospitals; Places of worship; Sports arenas; Gambling facilities; or Polling places.” [Giffords Law Center, 11/1/19]

*Firearm Bans At Possible Polling Locations In Wisconsin Was A “Local Decision.”* According to CNN, “Wisconsin generally allows carrying an unconcealed firearm in public, but polling place prohibitions depend on local rules. ‘If the municipality does not designate polling places as gun-free zones, then it is up to the owner of the building where voting takes place,’ Reid Magney, Public Information Officer for the Wisconsin Elections Commission, told CNN. ‘There is no blanket policy for the state of Wisconsin -- it’s a local decision. There are 1,854 municipalities in Wisconsin, and each of them may decide whether to set a policy on firearms.’” [CNN, 11/7/16]

*Wisconsin Republican Party Expected To Hire Poll Observers For 2020 Election.* “In battleground states, that extends even to comparatively quiet places like Fond du Lac County, an eastern Wisconsin outpost of about 100,000 people and 1,200 farms midway between Green Bay and Milwaukee. ‘I think
the big push is going to be for poll observers’ in November’s general election, the Republican Party county chairman, Rohn Bishop, said this month. ‘No harm in making sure.’ Indeed, he said that training sessions for election monitors were already in the works.” [New York Times, 5/18/20]

**Previous Incidents**

**2018: Wisconsin Man Posted Video Of Him Shooting Weapons On Roof Near Polling Location.** “Brandon Baker, 20, is being held in jail on $16,100 bail for allegedly making threats and referencing a polling location, according to Milwaukee County Jail records and a report from WISN-TV. The station released parts of the video Baker posted on Twitter, where he shot off multiple weapons and left 31 shell casings. He was on the roof of a building at North 29th and West Michigan streets. In the video, Baker also said, ‘if everyone has a gun, then no one can die.’ The video has been taken down.” [Green Bay Press-Gazette, 11/11/18]

**2018: Wisconsin Man Arrested For Making Threats To Polling Place With A Gun.** According to the Milwaukee Journal Sentinel, “Brandon Baker, 20, is being held in jail on $16,100 bail for allegedly making threats and referencing a polling location, according to Milwaukee County Jail records and a report from WISN-TV. The station released parts of the video Baker posted on Twitter, where he shot off multiple weapons and left 31 shell casings. He was on the roof of a building at North 29th and West Michigan streets. In the video, Baker also said, ‘if everyone has a gun, then no one can die.’” [Milwaukee Journal Sentinel, 11/10/18]

**2016: Wisconsin Polling Place Closed When Suicidal Man Shot Gun Nearby.** “In West Allis, election day went smoothly after an early morning glitch when Wilson Elementary, 8710 W. Orchard St., was closed temporarily to polling as a precaution while police dealt with a potentially suicidal man who was firing a gun a block away. ‘No voters or poll workers called, they handled it well,’ said Ann Marie Neff who is acting as temporary West Allis deputy city clerk. Other than the school closing, election day was uneventful.” [Milwaukee Journal Sentinel, 4/4/16]

**REPORTS OF INTIMIDATION IN OTHER STATES**

**2018: Florida Polling Place Held In Lockdown After Man With Gun Was Reported Nearby.** According to the Associated Press, “A Florida polling place was put on lockdown for about 40 minutes after man with a gun was reported in a nearby parking lot. Palm Bay Police Lt. Steve Bland said passers-by getting into their cars on Tuesday saw the man sitting in his vehicle with a gun on his lap. They called 911 and police arrived as the man was driving out of the parking lot. Bland said the man was in mid-eighties and did not make any threats. He says the gun wasn’t loaded.” [Associated Press, 11/6/18]

**2016: Trump Supporters With Guns Rallied Outside Republican National Convention In Cleveland.** According to The Trace, “In July, Trump supporters rallied outside the Republican National Convention in Cleveland, some openly carrying firearms. Officials in Cuyahoga County, which includes Cleveland, said they had met with local law enforcement, the Federal Bureau of Investigation, and the Department of Justice to ensure a rapid response if any incident occurred.” [The Trace, 10/21/16]

**2016: Tuscaloosa County, Alabama Voter Wore Gun To Vote.** According to The Trace, “Eddie Fulmer will cast his ballot for Donald Trump on Election Day with a .45-caliber pistol visibly strapped to his hip. Though he thinks voter fraud is a problem, Fulmer will not be monitoring the polls, and he doesn’t believe that other voters in his pocket of Tuscaloosa County, Alabama, will recoil at the sight of
his gun. ‘People are going to vote just like they walk around in daily life,’ said Fulmer, president of the gun rights group BamaCarry. ‘It may seem silly, but we believe that a law-abiding citizen should be able to protect himself — wherever he is.’” [The Trace, 10/21/16]

- **2014: Alabama Gun Rights Activist Charged With Voter Obstruction For Bringing Holstered Gun To Polling Location.** According to Talking Points Memo, “An Alabama gun rights activist was prosecuted on state voter obstruction charges for bringing a holstered gun to a polling place in the 2014 election, though elsewhere in the state, open-carry has been allowed at election sites.” [Talking Points Memo, 10/18/16]

2016: LA Gunman Killed Person, Causing Lockdown At Two Polling Locations. According to USA Today, “A gunman with an assault rifle was found dead Tuesday several hours after killing one person then critically injuring two others while exchanging gunfire with police near a voting site in the Los Angeles suburb of Azusa. It is unclear if the shooter, an unidentified man, was killed by police or took his own life. Gunfire forced a lockdown at two polling sites, but law enforcement said they did not believe the shooting had any direct connection to Election Day.” [USA Today, 11/8/16]

Giffords Law Center: “Election Boards In Colorado Are Also Preparing Their Workers For The Worst, Adding Active Shooter Response Exercises To Their Election Judge Training.” According to the Giffords Law Center, “Election workers are barred from carrying guns, but independent poll observers—volunteers who ensure that ballots are not tampered with—are not explicitly banned from this practice unless they’re in one of the six states that bans guns at the polls. Election boards in Colorado are also preparing their workers for the worst, adding active shooter response exercises to their election judge training.” [Giffords Law Center, 10/21/16]

2014: Mississippi Attorney General Said Open Carry Assault Weapons Were OK At Polling Locations. According to the Mississippi Business Journal, “The trend among gun fanatics of openly carrying assault weapons and other firearms into stores and restaurants could spread to polling places around Mississippi in November. The key here is that gun owners must wear the weapon so it is visible to everyone, says Attorney General Jim Hood, who this week replied in the affirmative to a query on guns in the voting booth. ‘The Legislature has given no authority to counties or municipalities by any statute to restrict open carrying of weapons into polling places,’ Hood said.” [Mississippi Business Journal, 7/25/14]


- Alabama AG Reacted After Voters With Guns Were Turned Away From Polls. According to the Mississippi Business Journal, “Voting officials turned away several gun owners for bringing visible firearms into polling places. Attorney General Strange reacted after those entry denials. Like Hood, Strange was empathic in his message to Alabama voters. ‘The state Legislature has already said where guns cannot be openly displayed and polling places are not on the list,’ said in a statement published by the New York Times.” [Mississippi Business Journal, 7/25/14]
ADDITIONAL INFORMATION OF NOTE

Few States Ban Guns at Polls; Other Laws Unclear

Only Six States Specifically Ban Guns At Polling Locations. According to the Giffords Law Center, “Only six states categorically ban guns in polling places—Arizona, California, Florida, Georgia, Louisiana, and Texas. Four others—Missouri, Mississippi, Nebraska, and South Carolina—only ban concealed weapons in polling places, which means voters may carry guns and rifles into the polls so long as they’re visible.” [Giffords Law Center, 10/21/16]

- Four States Ban Concealed Weapons In Polling Locations. According to the Washington Post, “According to the nonprofit Law Center to Prevent Gun Violence, which tracks state gun laws, six states generally prohibit bringing guns in polling places (Arizona, California, Florida, Georgia, Louisiana and Texas). Four ban concealed carry guns in polling places (Mississippi, Missouri, Nebraska and South Carolina), but it gets complicated when you drill down into their open carry laws.” [Washington Post, 11/6/16]

Giffords Law Center: “Most States Do Not Have Policies Addressing Firearms In Polling Places, And It’s Important For Voters To Understand How Their Jurisdiction Handles Guns On Election Day.” According to the Giffords Law Center, “Carrying a deadly weapon in public comes with the inherent responsibility of knowing how guns affect others. Lawmakers should act to precisely define actions that constitute voter intimidation and enact laws that protect the public from menace at the ballot box. Most states do not have policies addressing firearms in polling places, and it’s important for voters to understand how their jurisdiction handles guns on Election Day.” [Giffords Law Center, 10/21/16]

Most Laws On Voter Intimidation And Guns At The Polls Are “Murky.” According to Talking Points Memo, “In many places, however, the law is murky, and it’s a matter, to a degree, of discretion whether someone brandishing a weapon crosses the line into intimidation.” [Talking Points Memo, 10/18/16]

Democracy Program At The Brennan Center Attorney: “For Most States, The Law Doesn’t Create A Lot Of Specificity About What Counts Exactly As Intimidation In The Way That Would Allow You To Know About When Carrying A Gun Crosses The Line.” According to Talking Points Memo, “For most states, the law doesn’t create a lot of specificity about what counts exactly as intimidation in the way that would allow you to know about when carrying a gun crosses the line. It will often depend on the behavior and what the result is,” said Adam Gitlin, a counsel for the Democracy Program at the Brennan Center, a nonpartisan public policy and law institute.” [Talking Points Memo, 10/18/16]

Attorney: “I Am Not Aware Of Any State Where A Right-To-Carry Law Explicitly Trumps The Power Of Election Official To Keep Order.” According to Talking Points Memo, “The first line of defense is the poll workers at sites themselves who have the authority in most states to do what it takes to ensure an orderly election, voting right advocates told TPM. ‘If otherwise legal carrying of firearms and other weapons actually disrupts the order of the election or intimidates voters, then election officials have the power to stop that,’ [Adam Gitlin, a counsel for the Democracy Program at the Brennan Center] said. ‘I am not aware of any state where a right-to-carry law explicitly trumps the power of election official to keep order.’” [Talking Points Memo, 10/18/16]
Washington Post: “Most Election Officials Sort Through A Hodgepodge Of Laws About Concealed Weapons And Open Carry, And Take Into Account Whether The Polling Place Is On Private Or Public Property, To Figure Out Whether A Gun-Toting Voter Is Allowed In.”
According to the Washington Post, “Which brings us to the reason authorities are worried. Other than training for how to respond in a mass shooting or studying up on what actions define voter intimidation, state laws about guns and voter intimidation are a patchwork of wildly varying regulations. Most election officials sort through a hodgepodge of laws about concealed weapons and open carry, and take into account whether the polling place is on private or public property, to figure out whether a gun-toting voter is allowed in.” [Washington Post, 11/6/16]

Washington Post: “Intimidating Voters Is Illegal In The United States, But Intimidation Can Be Hard To Define.” According to the Washington Post, “Intimidating voters is illegal in the United States, but intimidation can be hard to define. And it's certainly not a new problem. In an Election Day incident in 2008 that has been a touchstone for conservatives in recent years, two New Black Panther Party members stood outside a Philadelphia polling location dressed in black military-style uniforms; some on the scene that day accused them of making intimidating remarks.” [Washington Post, 11/6/16]

Washington Post: No Presidential Candidate In Modern History Has Driven The Conversation About Guns And Voting As Far As Donald Trump Has. According to the Washington Post, “No presidential candidate in modern history has driven the conversation about guns and voting as far as Donald Trump has. He has suggested that ‘Second Amendment people’ may be the only check on Hillary Clinton’s ability to appoint a Supreme Court nominee, he has boasted that he could ‘stand in the middle of Fifth Avenue and shoot somebody’ without losing voters.” [Washington Post, 11/6/16]

Growing Concern That Guns at Polls Could Deter Voters

2018: Center For American Progress Claimed There Was “A Rash Of Racially Motivated Attempts To Frighten Voters.” According to the Center for American Progress, “This year, there was a rash of racially motivated attempts to frighten voters. In late August, for example, Florida residents received a fake robocall alleging to be from Democratic gubernatorial candidate Andrew Gillum, but the call was ultimately traced to the Idaho-based white supremacist website Road to Power.” [CAP, 11/20/18]

There Was Concern Ahead Of 2016 Election For States With Loose Open Carry Laws. According to Talking Points Memo, “Civil rights groups are already gearing up for an especially tense Election Day. Meanwhile, the federal government has been hobbled by a 2013 Supreme Court ruling in its ability to monitor elections in places with histories of voter intimidation. Of particular concern are states with loose open carry laws, where already, some armed Trump supporters have shown an interest in making their presence known at voting sites.” [Talking Points Memo, 10/18/16]

USA Today: “Groups Are Concerned About Gun Owners Bringing Their Firearms To Rallies And Political Events Since The Election Of President Donald Trump.” According to USA Today, “The groups are concerned about gun owners bringing their firearms to rallies and political events since the election of President Donald Trump, said Igor Volsky, Guns Down America director. ‘Given the troubling political rhetoric we’ve seen over the last two years, and that guns are far too easy to obtain, this campaign will help the majority of Americans who believe that fewer guns keeps us safer fight back and cast their ballots free from fear of intimidation,’ he said.” [USA Today, 10/19/18]
NAACP Legal Defense Fund Attorney History Said There Was A Long History Of People Standing Outside Polls With Guns. According to Talking Points Memo, “The idea that people would be standing outside the polls with guns, or even inside the polls with guns, clearly has the potential to turn people away. There’s a long history of this,” said Deuel Ross, an attorney for the NAACP Legal Defense Fund, which is very active in voting rights litigation.” [Talking Points Memo, 10/18/16]

2016: Trump Urged Voters To Watch For Fraud At Polls. According to the Washington Post, “Meanwhile, Trump has urged his supporters to stake out polling locations in ‘certain areas’ to watch for fraud — while claiming the election is rigged.” [Washington Post, 11/6/16]

Brady Campaign: “The Presence Of Firearms Can Pose Unique Obstacles For Citizens Attempting To Vote At In-Person Polling Locations.” According to the Brady United Campaign, “The presence of firearms can pose unique obstacles for citizens attempting to vote at in-person polling locations. The presence of firearms during the exercise of another Constitutional right can serve as a means of intimidation, whether intended or not, particularly in a nation where 58% of American adults report that they or someone they care for has been impacted by gun violence.” [Brady United Campaign, accessed 8/12/20]

- **Brady Campaign: 28 States Reported Sightings Of Firearms At Polling Locations.** According to the Brady United Campaign, “Data from a 2016 campaign from Guns Down showed that in less than 12 hours, voters in 28 states had reported sightings of firearms at polling locations.” [Brady United Campaign, accessed 8/12/20]

- **There Is Currently No Federal Law Prohibiting The Presence Of Firearms At Polling Sites.** According to the Brady United Campaign, “There is currently no federal law prohibiting the presence of firearms at polling sites. Instead, regulation is left to the states, a large majority of which allow guns to be carried in and around a polling place.” [Brady United Campaign, accessed 8/12/20]

- **Brady Campaign: “The Mere Presence Of Firearms At Polling Places Will Continue To Be A Threat As We Move Into 2020 And Beyond.”** According to the Brady United Campaign, “Firearms have increasingly been brandished at protests to intimidate and silence their opposition, and the mere presence of firearms at polling places will continue to be a threat as we move into 2020 and beyond.” [Brady United Campaign, accessed 8/12/20]

- **Brady Campaign: “For Many Gun Violence Survivors, The Potential Of Coming Into Contact With A Firearm Poses A Substantial Threat To Their Emotional And Physical Well-Being During Voting.”** According to the Brady United Campaign, “Data from a 2016 campaign from Guns Down showed that in less than 12 hours, voters in 28 states had reported sightings of firearms at polling locations. For many gun violence survivors, the potential of coming into contact with a firearm poses a substantial threat to their emotional and physical well-being during voting.” [Brady United Campaign, accessed 8/12/20]

**Gun Rights Activists Dismissed Issue**

**Guns Rights Activists Called Campaign To Prevent Guns At Polling Locations ‘Stupid’ And An Effort To Intimidate Gun Owners.** According to the website Bearing Arms, “Gun rights activists are used to dealing with the stupid from anti-gunners. Social media especially is littered with armchair experts who talk about tasing or pepper spraying lawful gun owners carrying a firearm in according with
all rules and regulations, then taking that gun from them until police arrive. It’s an effort to intimidate gun owners into not carrying firearms. However, if you’re complying with the law, all the police would do is arrest the attacker for assault as well as any other charges that might be warranted. Yet, a gun control activist is trying to claim that people who carry guns to polling places where it’s legal to do so are engaging in voter intimidation and he’s urging supporters to call the police.” [Bearing Arms, 10/22/18]

Bearing Arms: “Volsky’s Efforts Would Tie Up Police In States Where It’s Not Specifically Illegal To Carry A Firearm Because They Make Them Feel Icky.” Tom Knighton wrote on the website Bearing Arms, “That means Volsky’s efforts would tie up police in states where it’s not specifically illegal to carry a firearm because they make them feel icky.” [Bearing Arms, 10/22/18]

Website Claimed Guns Down Effort Was “An Attempt To Dissuade Those Who Carry Firearms From Going To The Polls In States Where It May Be Perfectly Legal To Do So.” According to the website Bearing Arms, “While he may argue that this is an attempt at combating voter intimidation, it’s not. It’s not about voter intimidation, plain and simple. It’s an attempt to dissuade those who carry firearms from going to the polls in states where it may be perfectly legal to do so.” [Bearing Arms, 10/22/18]

Bearing Arms: “If You’re Carrying Lawfully Come Election Day And You Can Carry A Firearm Lawfully Into Your Polling Place, Do It.” According to the website Bearing Arms, “If you’re carrying lawfully come election day and you can carry a firearm lawfully into your polling place, do it. Sure, they may call the police, but you do what you need to do, you vote, and then raise a middle finger salute to the individual who tried to intimidate you away from the polls.” [Bearing Arms, 10/22/18]

Arizona Citizens Defense League Spokesman: “What’s So Special About A Polling Place That Your Right To Defend Yourself Ought To Be Abridged?” According to The Trace, “At polling sites set up in places where firearms are allowed, and the rules are widely understood, gun owners who routinely carry their weapon in public won’t likely change their habits to cast a vote, officials at gun rights organizations said. ‘What’s so special about a polling place that your right to defend yourself ought to be abridged?’ said Charles Heller, a spokesman for the Arizona Citizens Defense League.” [The Trace, 10/21/16]

Florida Gun Rights Lobbyist John Snyder: “People Who Harbor Such Fears ‘Are Like Old Ladies In Tennis Shoes.” According to The Trace, “Gun owners also said they don’t understand why anyone would be afraid of someone coming to their polling place armed. People who harbor such fears ‘are like old ladies in tennis shoes,’ said John Snyder, a gun rights lobbyist and vocal Trump supporter in Florida. ‘They’re scared of anything that goes boom.’” [The Trace, 10/21/16]

Voter Intimidation

Giffords Law Center: “With Political Tensions Running Hot In Certain Areas, Creating Circumstances Under Which The Visible Presence Of A Deadly Weapon Could Be Perceived As A Grave Threat.” According to the Giffords Law Center, “With political tensions running hot in certain areas, creating circumstances under which the visible presence of a deadly weapon could be perceived as a grave threat. While many who openly carry guns do so with respect to the law and their fellow citizens, others use the opportunity to intimidate fellow voters and threaten the First Amendment rights of individuals expressing themselves—in this case, at the ballot box.” [Giffords Law Center, 10/21/16]
Giffords Law Center: “State Legislatures Are Woefully Behind When It Comes To Protecting Americans From The Threat Of Gun Violence While They Vote.” According to the Giffords Law Center, “State legislatures are woefully behind when it comes to protecting Americans from the threat of gun violence while they vote. Many states, like Virginia, have laws banning voter intimidation tactics, but do not specifically discuss the presence of guns as a form this intimidation could take.” [Giffords Law Center, 10/21/16]

Voting Rights Act Could Be Used To Prohibit Voter Intimidation. According to Talking Points Memo, “The Voting Rights Act includes a provision that prohibits any attempt to “intimidate, threaten, or coerce” a person trying to vote, and there’s a section of the federal criminal code banning voter intimidation as well. In theory, that could set up a confrontation between federal voter intimidation laws and state open-carry laws (federal law would generally trump state law).”

- **Federal Laws Are Rarely Ever Used To Address Voter Intimidation Claims.** “However, according to Kristen Clarke, the president and executive director of Lawyers’ Committee for Civil Rights Under Law, federal laws are rarely ever used to address voter intimidation claims.” [Talking Points Memo, 10/18/16]

RNC Under Consent Decree That Barred It From Ballot Security Measures, Including Hiring Off Duty Cops To Patrol Voting Locations. According to Talking Points Memo, “It’s worth noting that the Republican National Committee has been under a three-decade-old consent decree — that the Supreme Court in 2013 refused to lift — barring it from engaging in any sort of ‘ballot security’ efforts targeting minorities. The decree is the result of RNC activity decades ago — including the hiring of off-duty cops to patrol around election sites — that Democrats alleged amounted to voter intimidation.” [Talking Points Memo, 10/18/16]

- **2018 Federal Court Ruling “Allows The National Republican Party To Mount Campaigns Against Purported Voter Fraud Without Court Approval.”** According to the New York Times, “The efforts are bolstered by a 2018 federal court ruling that for the first time in nearly four decades allows the national Republican Party to mount campaigns against purported voter fraud without court approval. The court ban on Republican Party voter-fraud operations was imposed in 1982, and then modified in 1986 and again in 1990, each time after courts found instances of Republicans intimidating or working to exclude minority voters in the name of preventing fraud. The party was found to have violated it yet again in 2004.” [New York Times, 5/18/20]

2018: Texas Judge Ruled Election Workers Can Carry Guns. According to Dallas Morning News, “Election workers who run polling places now have the state’s blessing to carry guns there. In an opinion released Tuesday, Attorney General Ken Paxton said so-called election judges who are licensed to carry a firearm can do so during the performance of their official duties. The opinion was issued after a Republican lawmaker raised concerns about the safety of these poll workers in rural areas.” [Dallas Morning News, 8/30/18]

“Going To A Polling Place Where You Have A Gun Clearly Can Be Intimidating For Both Black And White Voters, Because Of The History Of Violence That We’ve Seen.” According to Talking Points Memo, “Even though the legal language surrounding voter intimidation doesn’t specifically mention weapons, certain actions with firearms could certainly be interpreted as such, depending on the context, legal experts and voting rights advocates told TPM. ‘People going to the polls, and just bringing their guns with them, even it that’s not waving around threateningly, going to a polling place where you
have a gun clearly can be intimidating for both black and white voters, because of the history of violence that we’ve seen,” the NAACP LDF’s Ross said.” [Talking Points Memo, 10/18/16]

**Election Workers Cannot Carry Guns; Volunteers Not Specifically Barred From Carrying.** According to the Giffords Law Center, “Election workers are barred from carrying guns, but independent poll observers—volunteers who ensure that ballots are not tampered with—are not explicitly banned from this practice unless they’re in one of the six states that bans guns at the polls. Election boards in Colorado are also preparing their workers for the worst, adding active shooter response exercises to their election judge training.” [Giffords Law Center, 10/21/16]

2016: Election Officials Worried About Guns At Polling Places After Statements Made By Candidate Trump. According to the Washington Post, “Election officers across the state say they are worried about conflicts at the polls after Republican presidential candidate Donald Trump urged his supporters to ‘watch’ others at the voting booths, while also asserting that the election is ‘rigged.’ ‘So go to your place and vote, and then go pick some other place, and go sit there with your friends and make sure it’s on the up and up,’ Trump said at a recent rally in Michigan. ‘Because you know what? That’s a big, big problem in this country, and nobody wants to talk about it. Nobody has the guts to talk about it. So go and watch these polling places.’” [Washington Post, 10/18/16]

- 2016: Donald Trump Encouraged Crowds Of Mostly-White Supporters To ‘Watch Other Communities’ On Election Day. According to the Brady United Campaign, “In 2016, then-candidate Donald Trump encouraged crowds of mostly-white supporters to ‘watch other communities’ on Election Day. This thinly-veiled commandment for white citizens to patrol and monitor the democratic actions of fellow Americans came on the heels of decades of voter intimidation, harassment, threats, and disenfranchisement known all too well by people of color in this country.” [Brady United Campaign, accessed 8/12/20]

Washington Post: “Typically, An Activist Will Bring An AR-15 Into A Walmart Or Target To Demonstrate That He Or She Can, As Gun-Control Activists Cry Foul And Try To Put Pressure On The Company To Take A Stand Against.” According to the Washington Post, “This new focus on guns in polling places is also playing out in the context of a battle about who can openly carry guns and where. In the past year or two, pro-gun activists and gun-control activists have clashed over whether there are (or should be) limits on carrying weapons in public in open carry states. Typically, an activist will bring an AR-15 into a Walmart or Target to demonstrate that he or she can, as gun-control activists cry foul and try to put pressure on the company to take a stand against it.” [Washington Post, 11/6/16]

Determining Intimidation With Guns At Polling Places Would Be A “Fact-Sensitive, Context-Based Decision.” According to Talking Points Memo, “According to Adam Winkler, a UCLA School of Law professor and author of ‘Gunfight: The Battle Over the Right to Bear Arms in America,’ such a determination would be a ‘a fact-sensitive, context-based decision.’ ‘Someone openly carrying a firearm into a polling place in rural Montana, where a lot of people may openly carry, might not be viewed as the same intimidation as an open-carry advocate in an urban area, where openly carried guns are rare, standing around the polling places,’ Winkler said.” [Talking Points Memo, 10/18/16]

Over-Policing At Polling Sites Also A Concern For Elections. According to the Brady United Campaign, “Unfortunately, the threat of violence at polling sites does not come from only armed citizens. In recent months, mounting discord between law enforcement and marginalized communities — who are often impacted by voter suppression tactics — has increased. There is a history of over-policing in communities of color, and the presence of law enforcement at polling locations could
act as a deterrent, especially in our current climate. For example, local law enforcement watched Georgia voters in a predominantly Black neighborhood for over five hours after the polls had closed.” [Brady United Campaign, accessed 8/12/20]