



## OPEN CARRY OF GUNS AT POLLING PLACES

- ❑ **Bottom Line:** In this heated election season, where Donald Trump has encouraged supporters to “watch” polls on election day and the gun lobby continues to double down on its “guns everywhere” agenda, it’s sobering that the vast majority of states generally allow people to openly carry guns at polling places. This dangerous situation highlights the potential for a new brand of voter intimidation.
- ❑ **Open carry poses a threat to public safety.**
  - In most states, people can openly carry guns in public, including at polling places on Election Day, without firearms safety training, a permit, or even a criminal record check. Lax open carry laws make it difficult for law enforcement to determine whether a person openly carrying a gun in public poses a threat.
  - For example, in October 2015 in Colorado, where open carry is legal, a gunman killed three people. Prior to the shooting, a neighbor saw the gunman carrying a firearm down the street and called 911, but because the behavior was legal under state law, police did not immediately respond.<sup>1</sup>
- ❑ **43 states<sup>2</sup> generally allow people to openly carry guns at polling places.<sup>3</sup>**
  - For decades, the gun lobby has attempted to normalize behaviors that are dangerous. This is all part of the NRA’s push for guns everywhere, for anyone, no questions asked.
  - The NRA’s push for guns everywhere has extended to sensitive locations like polling places on Election Day. For example, the NRA was a driving force behind a 2015 Arkansas law that repealed the prohibition against concealed guns at polling places.<sup>4</sup>
- ❑ **Open carry at polling places is especially troubling in this election’s heated environment, and many election officials around the country are preparing for armed voters at the polls.**
  - Donald Trump has encouraged his supporters to “watch” polls on Election Day, alleging that the election is “rigged” and that voter fraud is a rampant problem across the country. Responding to Trump’s call, one supporter from Ohio has publicly stated that he plans to racially profile voters, boasting that he could make Mexican- and Syrian-Americans and other “people who can’t speak American” “a little bit nervous” while staying within the law.<sup>5</sup>
  - Civil rights groups note that people standing inside or outside of the polls with visible guns can be intimidating for voters and “clearly has the potential to turn people away.”<sup>6</sup>
  - In Virginia, many elections officers are concerned that the fiery rhetoric around this election could impact the atmosphere at the polls and are cognizant that open carry at the polls will be alarming to many voters.<sup>7</sup>
  - In Colorado, polls workers in Denver and Aurora will receive active shooter training in preparation for Election Day as a result of the “raised” rhetoric of this election.<sup>8</sup>
  - Pennsylvania law allows people to openly carry guns at the polls, but generally does not allow peace officers to be within one hundred feet of a polling place during an election.<sup>9</sup>



- 
- <sup>1</sup> Washington Post, "In Colorado Springs, Dispatcher Brushed off Reports of a Man With a Gun, Witnesses Say," Nov. 3, 2015, available at: <https://www.washingtonpost.com/news/post-nation/wp/2015/11/03/in-colorado-springs-dispatcher-brushed-off-reports-of-a-man-with-a-gun/>.
- <sup>2</sup> AL, AK, AR, CO, CT, DE, HI, ID, IN, IA, KS, KY, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, UT, VT, VA, WA, WV, WI, WY. Georgia law generally prohibits guns at polling places; however, state officials vary in their interpretation as to whether an exception in the statute allows people to carry guns when voting in government buildings that lack certain security measures. Further, a nuance in Missouri law allows guns to be carried openly in polling places, but only if the person has a concealed carry permit.
- <sup>3</sup> There may be administrative regulations regulating guns in polling places in some of these states. In addition, in many states, other location restrictions may apply. For example, a state might prohibit guns in schools or in certain government buildings, making it illegal to carry a gun to a polling place in a school or those government buildings. As a result, in some of these states it may be illegal to bring a gun to at least some polling places.
- <sup>4</sup> 2015 Arkansas House Bill 1432.
- <sup>5</sup> Sneed, T. (2016, October 18). Is Trump Urging His Gun-Toting Supporters to Break Voter Intimidation Laws? Retrieved October 24, 2016, from <http://talkingpointsmemo.com/dc/is-trump-urging-his-gun-toting-supporters-to-break-voter-intimidation-laws>
- <sup>6</sup> *Id.*
- <sup>7</sup> Sullivan, P. (2016, October 18). Guns at polling places worry Virginia election officials. Retrieved October 24, 2016, from [https://www.washingtonpost.com/local/virginia-politics/guns-at-polling-places-worries-virginia-electoral-officials/2016/10/18/ca7c6f18-954a-11e6-9b7c-57290af48a49\\_story.html](https://www.washingtonpost.com/local/virginia-politics/guns-at-polling-places-worries-virginia-electoral-officials/2016/10/18/ca7c6f18-954a-11e6-9b7c-57290af48a49_story.html).
- <sup>8</sup> Beckett, L. (2016, October 20). Colorado poll workers trained to respond to mass shooting. Retrieved October 24, 2016, from <https://www.theguardian.com/us-news/2016/oct/20/colorado-poll-workers-mass-shooting-training>.
- <sup>9</sup> 25 P.S. 3047, 3520.