



New Laws Prohibit Firearms at Polling Places and Other Election Locations

Courtney Gabbara Agrusa

Foster Swift Municipal Law News

January 15, 2025

In December of 2024, Gov. Gretchen Whitmer signed into law two measures which will prohibit the possession of firearms at polling sites and other election-related locations. The two new laws, known as Public Act 157 and Public Act 158 of 2024, aim to enhance the security of voters, election workers and the overall election process. The virtually identical laws provide clear and simple regulations regarding the possession of firearms at the polls and election-related sites.

Public Act 157 of 2024 (Michigan House Bill 4127)

This law amends the Michigan Penal Code regulating the possession of firearms at polling places as follows:

- Scope of the Law – Prohibits the possession of firearms at polling places, early voting sites, absentee ballot drop boxes, city or township clerks' offices and within 100 feet of early voting sites and absentee drop boxes during the 40-day period prior to an election.
- Exceptions to the Law – The law does not apply to peace officers, persons licensed to carry a concealed pistol, individuals possessing a firearm on their private property within 100 feet of an election location and individuals lawfully transporting a firearm in a vehicle within 100 feet of an election location.
- Penalties – Violations of Public Act 157 are punishable by up to 90-days' imprisonment and a fine of up to \$100 or both.

Public Act 158 of 2024 (Michigan House Bill 4128)

This law similarly amends the Michigan Penal Code to regulate the possession of firearms at election locations as follows:

- Scope of the Law – Prohibits the possession of firearms at absent voter counting board locations and within 100 feet of entrances to locations being used to process ballots.

AUTHORS/ CONTRIBUTORS

Courtney Gabbara Agrusa

PRACTICE AREAS

Business Law

Criminal Law

Election & Campaign Finance Law

Firearm Regulation Law

Municipal & Public Entity Law

Municipal Litigation



- Exceptions to the Law – Identical to PA 157, the law does not apply to peace officers, persons licensed to carry a concealed pistol, individuals possessing a firearm on their private property within 100 feet of an election location and individuals lawfully transporting a firearm in a vehicle within 100 feet of an election location.
- Penalties – Also the same as for PA 157, violations are punishable by 90 days' imprisonment, a fine up to \$100 or both.

Compliance and Communication

To ensure compliance and limit potential legal repercussions in the future, we recommend the following steps:

- Update Voting and Election Day Security Protocols – Review and update voting and election day security and safety procedures, including establishment of measured clear zones around polling sites/election-related locations. Establish clear procedure for addressing and reporting firearms incidents at polling and election-related locations. Update election worker and volunteer training information to reflect the new laws relating to firearms possession.
- Provide Explanations and Legal Guidance – Changes in regulations relating to firearms possession may generate questions. Be prepared to explain the law and its relevance to election security.
- Public Information and Awareness Initiative – For the new laws to be as impactful as possible, it will be critical to inform key audiences of the existence and purpose of PA 157 and 158. Multiple announcements informing audiences about the new laws at websites, official Facebook pages, social media accounts and via other channels are highly recommended.

Moving Forward: Poll and Election Security are National Priorities

With the enactment of PA 157 and 158, Michigan has joined 21 other states and several territories that explicitly prohibit the possession of firearms at polling places and other election locations.

The attorneys of Foster Swift's Firearms Law Group have deep expertise with federal, state and local gun laws and ordinances, including newly enacted Michigan Public Acts 157 and 158. Our experienced team works closely with government and law enforcement agencies on all matters related to firearms laws. If you have further questions about the complexities of firearm laws, please contact Courtney Gabbara Agrusa at cagrusa@fosterswift.com/248-538-6326 or another member of our firearm regulation law team.