



House Bill 1356

Labor and Employment - Civic and Related Activities - Protection
(Maryland Employee Civic Activity and Lawful Expression Protection Act)

MACo Position: **OPPOSE**

To: Government, Labor, and Elections
Committee

Date: March 5, 2026

From: Karrington Anderson

The Maryland Association of Counties (MACo) **OPPOSES** HB 1356. This bill imposes unreasonably strong restrictions on counties as employers by prohibiting adverse action against any employee who engages in broadly defined “political activity,” “civic activity,” or “lawful expression.”

While counties respect and uphold employees’ constitutional rights, HB 1356 establishes new statutory presumptions, burdens of proof, and mandatory damages that exceed the constitutional standards currently governing public employers. The bill defines “adverse action” broadly to include discharge, demotion, discipline, failure to promote, reassignment with materially adverse terms, or any action that would dissuade a reasonable individual from engaging in protected activity. This sweeping standard creates significant legal ambiguity and invites litigation. Counties could face substantial exposure to liability based on employment decisions that are only tangentially related to protected activity.

HB 1356 limits managerial discretion in sensitive public-sector roles. The bill restricts counties’ abilities to maintain or enforce policies affecting off-duty civic activity unless the restrictions are narrowly tailored to achieve a legitimate government interest. Even with that exception, the measure fails to account for practical realities. The bill may limit counties’ ability to address situations where employees publicly associate their civic activity with their official role. In such circumstances, the public may reasonably associate conduct with the county government itself. Counties must be able to address actions that create confusion, reputational harm, or operational disruption.

Public employers are not similarly situated to private-sector employers. Counties provide essential public services and must maintain operational continuity, workplace safety, and public confidence and trust in the integrity and neutrality of government operations. HB 1356 represents an overbroad and litigation-prone mandate that would materially affect local government operations and expose counties to significant fiscal and legal risk.

For these reasons, MACo urges an **UNFAVORABLE** report on HB 1356.