

Legislative Analysis



PROHIBIT GUNS AT ELECTION LOCATIONS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4127 as introduced
Sponsor: Rep. Penelope Tsernoglou

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4128 as introduced
Sponsor: Rep. Stephanie A. Young

Committee: Elections
Complete to 2-27-23

SUMMARY:

House Bills 4127 and 4128 would amend the Michigan Penal Code to make it illegal to possess a firearm at a polling place or at a counting board location, respectively. Violations would be punishable by up to 90 days' imprisonment or a fine of up to \$100, or both.

Neither ban would apply to uniformed police officers acting in the course of their duties.

House Bill 4127 would generally prohibit the possession of firearms at the following locations during the specified time periods:

- Inside a polling place or within 100 feet of an entrance to a building used as a polling place while the polls are open on election day.
- Inside an early voting location or within 100 feet of an entrance to a building used as an early voting location during the constitutionally mandated early voting period (the second Saturday before an election to the Sunday before the election).
- Within 100 feet of an absentee ballot drop box during the 40 days prior to an election.

In addition to the exemption for law enforcement officers, the prohibition would not apply to individuals who live within 100 feet of an election location described above and possess a firearm in their residence.

MCL 750.234d

House Bill 4128 would generally prohibit the possession of firearms at absent voter counting board locations and combined absent voter counting board locations, and within 100 feet of entrances to those locations, while absent voter ballots are being processed.

MCL 750.234d

BACKGROUND:

Twelve states, Puerto Rico, and the District of Columbia currently prohibit the possession of guns and other weapons at polling places, according to the National Conference of State Legislatures.¹

¹ The full list of states and territories that ban guns at polling places can be found here: <https://www.ncsl.org/elections-and-campaigns/polling-places#guns>.

FISCAL IMPACT:

House Bills 4127 and 4128 would have an indeterminate fiscal impact on local units of government. The number of convictions that would result under provisions of the bills is not known. Violations would be misdemeanors, and new misdemeanor convictions would result in increased costs related to county jails or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bills affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.