

Legislative Analysis



PROHIBIT INTIMIDATION OF OR INTERFERENCE WITH ELECTION WORKERS

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

House Bills 4129 and 4130 as introduced

Sponsor: Rep. Kara Hope

Committee: Elections

Revised 2-28-23

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

SUMMARY:

House Bills 4129 and 4130 would make it a felony to intimidate an election official or otherwise prevent election officials from performing their duties.

House Bill 4129 would add a new section to the Michigan Election Law to prohibit an individual from either *intimidating* an *election official* or preventing an election official from performing their duties. Currently, election challengers and voters are the only individuals explicitly protected from intimidation under the act.

Intimidate would mean to commit harassing conduct that would cause a reasonable individual to feel terrorized, frightened, threatened, harassed, or molested and that actually causes the individual to feel terrorized, frightened, threatened, harassed, or molested.

Election official would mean a public officer or public employee with elected-related duties to perform.

A violation of the bill would be a felony punishable by imprisonment for up to five years or a fine of up to \$1,000, or both, under section 935 of the act.

Proposed MCL 168.931b

House Bill 4130 would amend the sentencing guidelines chapter of the Code of Criminal Procedure to incorporate the proposed new felonies of intimidation of an election official and prevention of an election official from performing their duties. Under the bill, these offenses would be a Class E felony against the public trust punishable by a statutory maximum of five years.

The bill is tie-barred to HB 4129, which means it could not go into effect unless HB 4129 were also enacted.

MCL 777.11d

FISCAL IMPACT:

House Bill 4129 would have an indeterminate fiscal impact on the state and on local units of government. The number of convictions that would result under provisions of the bill is not known. Violations would be felonies, and new felony convictions would result in increased

costs related to state prisons and state probation supervision. In fiscal year 2022, the average cost of prison incarceration in a state facility was roughly \$47,900 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$5,000 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. The fiscal impact on local court systems would depend on how provisions of the bill 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.

The bill would have no fiscal impact on election administration for state or local units of government.

House Bill 4130 is a companion bill to HB 4129 and amends sentencing guidelines to include intimidating an election official or preventing an election official from performing their duties. The bill would not have a direct fiscal impact on the state or on local units of government.

Legislative Analyst: Holly Kuhn
Fiscal Analysts: Robin Risko
Michael Cnossen

■ 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.