



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4129 (Substitute H-1 as reported without amendment)

Sponsor: Representative Kara Hope

House Committee: Elections

Senate Committee: Elections and Ethics

CONTENT

The bill would add section 931b to the Michigan Election Law to do the following:

- Criminalize the actions of intimidating an election official and preventing an election official from performing the official's duties during an election.
- Prescribe misdemeanor and felony penalties for a violation of the bill.
- Specify that the bill would not apply to constitutionally protected activities.

Proposed MCL 168.931b

BRIEF RATIONALE

An April 2023 study by the Brennan Center for Justice found that 30% of election officials interviewed had been abused, harassed, or threatened because of their jobs.¹ Reportedly, Detroit Clerk Janice Winfrey, Rochester Hills Clerk Tina Barton, and others received death threats in the wake of the 2020 election. According to testimony before the Senate Committee on Elections and Ethics, the danger associated with being an election official has led some to leave their positions and could hinder efforts to fully staff elections. The 2024 elections will have a greater need for election officials because clerks will have to staff early voting centers for nine days of early voting. As a result, some have suggested that Michigan election officials be offered greater protections.

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bill is similar to House Bill 5282 from the 2021-2022 Legislative Session.

Legislative Analyst: Abby Schneider

FISCAL IMPACT

The bill's criminal penalties could have a negative fiscal impact on the State and local governments. Violations of the proposed Act would be punishable as misdemeanors and felonies of different severity. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. Additionally, misdemeanor convictions could increase county jail and local probation supervision costs, which vary by jurisdiction and are thus indeterminate. Based on 2022 data, the average cost to State government for felony probation supervision is approximately \$4,800 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$45,700. Per diem rates for housing a prisoner in a State correctional facility range from a

¹ "Local Election Officials Survey — April 2023", Brennan Center for Justice. Retrieved on 11-9-23.

\$98 to \$192 per day, depending on the security level of the facility. In addition, any associated fine revenue would increase funding to public libraries.

The bill would have an indeterminate fiscal impact on local court systems. Any fiscal impact would depend on the bill's impact on caseloads, administrative costs, and criminal fine revenue, which also is constitutionally dedicated to county libraries.

Date Completed: 11-9-23

Fiscal Analyst: Joe Carrasco, Jr.
Michael Siracuse