

**SUBSTITUTE FOR
HOUSE BILL NO. 4129**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
(MCL 168.1 to 168.992) by adding section 931b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 931b. (1) An individual who intimidates an election**
2 **official because of the election official's status as an election**
3 **official, with the specific intent of interfering with the**
4 **performance of that election official's election-related duties, is**
5 **guilty of a crime as provided under subsection (3).**

6 **(2) An individual who prevents an election official from**
7 **performing the election official's duties in conducting an election**
8 **is guilty of a crime as provided under subsection (3).**

9 **(3) An individual who violates subsection (1) or (2) is guilty**

1 of a crime as follows:

2 (a) For a first offense, the individual is guilty of a
3 misdemeanor punishable by imprisonment for not more than 93 days or
4 a fine of not more than \$500.00, or both.

5 (b) For a second offense, the individual is guilty of a
6 misdemeanor punishable by imprisonment for not more than 1 year or
7 a fine of not more than \$1,000.00, or both.

8 (c) For a third or subsequent offense, the individual is
9 guilty of a felony.

10 (4) This section does not apply to constitutionally protected
11 activity, including, but not limited to, engaging in reporting,
12 news gathering, protesting, lobbying, advocacy, or other activities
13 intended to inform or influence the public or public officials,
14 including election officials, on matters of public interest or
15 public concern.

16 (5) As used in this section:

17 (a) "Duties" include, but are not limited to, any of the
18 following:

19 (i) Creating, disseminating, collecting, or delivering
20 applications or ballots, including absent voter ballots or absent
21 voter ballot applications.

22 (ii) Registering voters.

23 (iii) Opening, closing, and maintaining order at polling places,
24 early voting sites, and absent voter counting board locations.

25 (iv) Processing and assisting voters at polling places or early
26 voting sites.

27 (v) Processing and tabulating ballots at polling places, early
28 voting sites, and absent voter counting board locations.

29 (vi) Tallying ballots at polling places and absent voter

1 counting board locations.

2 (vii) Certifying election results by a board of county
3 canvassers or the board of state canvassers.

4 (b) "Election official" means a public officer, public
5 employee, election inspector, member of the board of state
6 canvassers, member of a board of county canvassers, member of an
7 absent voter counting board, or a county, city, or township clerk
8 who has a duty to perform in connection with an election conducted
9 under this act.

10 (c) "Intimidate" means a willful course of conduct involving
11 harassment of another individual that is intended to cause the
12 individual to fear physical injury, that would cause a reasonable
13 individual to fear physical injury, and that actually causes the
14 individual to fear physical injury. Intimidate does not include
15 constitutionally protected activity or conduct that serves a
16 legitimate purpose.