



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 505 (as enacted)
Sponsor: Senator Dayna Polehanki
Senate Committee: Elections and Ethics (discharged)
House Committee: Elections (discharged)

PUBLIC ACT 252 of 2023

Date Completed: 1-9-24

CONTENT

The bill adds sentencing guidelines in the Code of Criminal Procedure for felonies added by House Bill 4129, which was enacted as Public Act (PA) 253 of 2023.¹ Senate Bill 505 prescribes a Class E felony against a person for a third or subsequent offense of intimidating an election official or preventing an election official from performing the election official's duties. The felony has a statutory maximum sentence of five years' imprisonment.

The bill is tie-barred to House Bill 4129 and will take effect February 13, 2024.

MCL 777.11d

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.² Reportedly, Detroit Clerk Janice Winfrey, Rochester Hills Clerk Tina Barton, and others received death threats in the wake of the 2020 election. The intimidation of election officials may prevent some poll workers from carrying out their duties, which are integral to the State's democratic election process. As a result, some suggested that Michigan election officials be offered greater protection from the threat of violence.

Legislative Analyst: Abby Schneider

FISCAL IMPACT

The bill will have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill will not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Fiscal Analyst: Joe Carrasco, Jr.

¹ PA 253 will take effect February 13, 2024.

² "Local Election Officials Survey April 2023", Brennan Center for Justice. Retrieved on 11-9-23.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.