

Legislative Analysis



ELECTED OFFICIAL PROTECTION ACT

House Bill 4397 (proposed substitute H-6)

Sponsor: Rep. Sarah Lightner

Committee: Judiciary

Revised 10-29-25

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<http://www.house.mi.gov/hfa>

Analysis available at

<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4397 would create a new act, the Elected Official Protection Act, to allow certain *protected individuals* to request that a public body or other person not publicly post or display certain information concerning the individual or certain members of the protected individual's family, or that they remove such information, and to require compliance with such a request. If a request were made and not complied with, the protected individual could go to court to compel compliance or enjoin further noncompliance.

Protected individual would mean both of the following:

- A *legislator*.
- The current or a former governor.
- The current lieutenant governor, attorney general, or secretary of state.

Legislator would mean any of the following:

- An elected and currently serving member of the legislature.
- A currently serving United States senator or representative in Congress who represents this state.

Request

The bill would allow a protected individual to request that a *public body* or *person* not publicly post or display the *personal identifying information* of the individual or of the individual's *immediate family member*.

Public body would mean any of the following:

- A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of the state government, but not including any of the following:
 - The governor or lieutenant governor.
 - The executive office of the governor or lieutenant governor.
 - Employees of the governor or lieutenant governor.
- An agency, board, commission, or council in the legislative branch of the state government.
- A county, city, township, village, intercounty, intercity, or regional governing body, council, school district, special district, or municipal corporation.
- A board, department, commission, council, or agency.
- Any other body created or primarily funded by or through state or local authority—except that the judiciary, including the office of the county clerk and its employees when acting as clerk to the circuit court, would not be a public body for purposes of the new act unless approved by the supreme court.

Person would mean an individual, corporation, limited liability company, partnership, firm, organization, association, or other legal entity (except a public body).

Personal identifying information would mean any of the following:

- Date of birth (except as described below).
- Permanent **residential address** (except for the city and township of residence).
- Address of other real property owned and regularly used as a dwelling or for recreation by a protected individual or their immediate family member.
- Phone number (home or cell).
- Driver's license or state identification number.
- Social Security number.
- Federal or state tax identification number.
- Personal email address.
- Personal credit, charge, or debit card information.
- Bank account information, including account or PIN numbers.
- License plate number or other unique identifier of a vehicle that is owned, leased, or regularly used by a protected individual or their immediate family member.
- Current or future school or day care information, including the name or address of the school or day care attended, schedule of attendance, or route taken to or from the school or day care by the protected individual or their immediate family member.
- Information on the employment location of a protected individual or their immediate family member (except for a court house), including the name or address of the employer, employment schedules, or routes taken to or from the employer.

Residential address would mean the place that is the settled home or domicile at which an individual legally resides and that is a *residence* as defined in the Michigan Election Law.¹

Immediate family member would mean the spouse, child, parent, or any other familial relative of a protected individual (as long as the family member's permanent residence is the same as the protected individual's permanent residence).

Written request

In addition, a protected individual could, on a form prescribed by the Department of Technology, Management, and Budget (DTMB), submit a written request to a public body or person to remove a public posting or display of personal identifying information of the individual or their immediate family member. The form would have to include both of the following, as applicable:

- Proof of the protected individual's office and identity.

¹ "'Residence'... means that place at which a person habitually sleeps, keeps his or her personal effects, and has a regular place of lodging. If a person has more than 1 residence, or if a person has a residence separate from that of his or her spouse, that place at which the person resides the greater part of the time shall be his or her official residence for the purposes of this act. This [definition] does not affect existing judicial interpretation of the term residence." <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-168-11>

- The personal identifying information of the protected individual or the protected individual's immediate family member that the individual desires to protect.

A written request provided to the office of the county register of deeds would have to include a list of all instruments to be protected by liber and page or other unique identifying number.

A written request provided to a public body or person as described above would remain in effect until the protected individual provides a signed written request to rescind or modify it, or until the protected individual dies, whichever occurs first.

Delegation of authority

Upon the written delegation of authority to DTMB by a protected individual, DTMB could submit a written request to a public body or person on behalf of a protected individual, with the same force and effect as a written request submitted by a protected individual.

Requirements for public bodies

Except as otherwise provided, a public body that receives a request described above could not ***publicly post or display*** or provide to a person the specified personal identifying information of a protected individual or their immediate family member, as applicable. A public body that has already publicly posted or displayed the specified personal identifying information would have to remove it no later than five business days after receiving the request.

Publicly post or display would mean to communicate or otherwise make personal identifying information available to the general public.

A public body would not have to permanently delete personal identifying information that is not accessible to the public and could comply with the bill by redacting the specified personal identifying information that is publicly posted or displayed or by masking the entire contents of a document or record that contains the specified personal identifying information. These provisions would not alter or amend a public body's obligations under the Freedom of Information Act (FOIA).

Requirements for other persons

Except as otherwise provided, a person that receives a request described above could not publicly post or display or ***transfer*** the specified personal identifying information of a protected individual or a protected individual's immediate family member, as applicable. A person that has already publicly posted or displayed the personal identifying information would have to remove it no later than five business days after receiving the request.

Transfer would mean to sell, license, trade, or exchange for consideration the personal identifying information of a protected individual or a protected individual's immediate family member.

Remedies

If, five business days after receiving a written request described above, a public body or person is not in compliance with the new act, the protected individual or the protected individual's immediate family member could commence a civil action to compel compliance or to enjoin further noncompliance.

An action for injunctive relief against a local public body or person would have to be commenced in the circuit court for any county in which the protected individual serves. An

action for an injunction against a state public body would have to be commenced in the Court of Claims. If a protected individual or a protected individual's immediate family member commences an action for injunctive relief, the protected individual or the protected individual's immediate family member would not have to post security as a condition for obtaining a preliminary injunction or a temporary restraining order.

An action for mandamus against a public body would have to be commenced in the Court of Appeals.

A protected individual or a protected individual's immediate family member who succeeds in obtaining relief in an action described above would have to recover court costs and actual attorney fees.

Exceptions

The bill would not apply to any of the following:

- The display of the personal identifying information of a protected individual or a protected individual's immediate family member if the information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern.
- After the effective date of the bill, personal identifying information voluntarily published by a protected individual or a protected individual's immediate family member.
- The dissemination of personal identifying information made at the request of a protected individual or a protected individual's immediate family member or that is necessary to effectuate the request of a protected individual or a protected individual's immediate family member.
- The use of personal identifying information internally to provide access to businesses under common ownership or affiliated by corporate control, or to sell or provide data for a transaction or service requested by or that concerns the individual whose personal identifying information is being transferred.
- The provision of publicly available personal identifying information by a real-time or near-real-time alert service for a health or safety purpose.
- The use of personal identifying information by a consumer reporting agency subject to the federal Fair Credit Reporting Act.²
- The use of personal identifying information by a commercial entity engaged in the collection, maintenance, disclosure, sale, communication, or use of personal identifying information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living by a consumer reporting agency, furnisher, or user that provides personal identifying information for use in a consumer report, and by a user of a consumer report, but only to the extent that such activity is regulated by and authorized under the Fair Credit Reporting Act.
- The use of personal identifying information by a commercial entity using personal identifying information that was collected, processed, sold, or disclosed in compliance with the federal Driver's Privacy Protection Act of 1994.³

² <https://www.law.cornell.edu/uscode/text/15/chapter-41/subchapter-III>

³ [18 USC 2721 et seq.](#)

- The use of personal identifying information subject to the federal Gramm-Leach-Bliley Act.⁴
- The use of personal identifying information by a financial institution, one or more of a financial institution's affiliates, or an independent contractor acting on behalf of a financial institution or a financial institution's affiliates, subject to the Gramm-Leach-Bliley Act.
- The use of personal identifying information by an entity covered by the privacy regulations promulgated under section 1320d-2(c) of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).⁵
- The use of personal identifying information by a commercial entity to do any of the following, as long as the commercial entity does not disseminate, publicly post, or display the personal identifying information:
 - Prevent, detect, protect against, or respond to security incidents, identity theft, fraud, harassment, malicious or deceptive activities, or any illegal activity.
 - Preserve the integrity or security of systems.
 - Investigate, report, or prosecute any person responsible for any of the actions described above.

The bill would *not* prohibit the collection and sale or licensing of personal identifying information incidental to conducting any of the activities described above. A public body would also not be prohibited from providing access to records that contain the personal identifying information of a protected individual or a protected individual's immediate family member to a person when the access is incidental to conducting any of the activities described above.

The bill also would not apply to the display of a property address on a real estate or mapping platform when the address is not displayed or disclosed in connection with any ownership or occupancy information or other personal identifying information of a protected individual or a protected individual's immediate family member.

Other provisions

It would not be a defense to a violation of the act that the personal identifying information disclosed was publicly available from another source.

Any person could obtain a protected individuals date of birth by contacting DTMB. The bill states that this is to comply with all of the following:

- Section 7 of article IV of the state constitution of 1963,⁶ which prohibits anyone younger than 21 years of age from being elected or appointed to the positions of senator or representative.
- Section 22 of article V of the state constitution of 1963,⁷ which prohibits anyone younger than 30 years of age from being elected or appointed to the positions of governor or lieutenant governor.

The bill would take effect 180 days after the date it is enacted. The bill cannot take effect unless Senate Bill 82 is also enacted (see **Background**, below).

⁴ [15 USC 6801 et seq.](#)

⁵ [42 USC 1320d-2](#)

⁶ <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-Article-IV-7>

⁷ <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-Article-V-22>

BACKGROUND:

While much government-held information is generally considered to be public record, states vary in the degree to which they protect (or exempt from public records laws) the personal identifying information of certain elected officials.⁸ Central to these policy debates is often the need to balance accountability and accessibility (for example, allowing the press to verify that a candidate resides in the district in which they are running for office) with security and privacy.⁹ In recent years, several high-profile instances of political violence have prompted (or renewed) efforts to increase the personal identifying information protections afforded to certain elected officials, including in Florida,¹⁰ Oregon,¹¹ New Jersey,¹² North Dakota,¹³ Colorado,¹⁴ and several other states.¹⁵

Even absent direct violence, the disclosure of personal identifying information can have other harmful consequences. For example, the National Association of Attorneys General reports that “doxing”—the practice of intentionally exposing the personal identifying information of another person, typically via the internet, with the intent of harassing or otherwise harming the target—has recently evolved into a sophisticated tool for malicious actors to coerce and retaliate against a variety of public figures, including elected officials.¹⁶ Relatedly, doxed information can be used for “swatting”—falsely reporting a serious emergency to trigger an armed law enforcement response at a targeted location—and other violent threats (e.g., bomb threats), all of which pose significant risks for targets, law enforcement, and the surrounding community.

House Bill 4397 is a companion bill to Senate Bill 82 (S-3) of the current legislative session, which contains many of the same provisions but applies specifically to judges.

FISCAL IMPACT:

House Bill 4397 would likely result in additional costs to the Department of Technology, Management, and Budget related to administering requests for the removal of personal identifying information of public officials from public postings. DTMB reports they would likely require an additional permanent staff member to administer the program as well as possible contracted vendor costs. A final estimate of costs was not available at the time of this analysis.

An appropriation of \$475,000 and authorization for one FTE position was included in the FY 2024-25 Judiciary budget for the State Court Administrative Office (SCAO) for a similar

⁸ <https://www.ncsl.org/civil-and-criminal-justice/address-protections-for-public-officials-and-employees>

⁹ <https://www.ncsl.org/state-legislatures-news/details/balancing-act-privacy-vs-transparency-in-public-records>

¹⁰ <https://www.flsenate.gov/Session/Bill/2025/268>

¹¹ <https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/SB224>

¹² <https://www.njleg.state.nj.us/bill-search/2024/A5875>

¹³ <https://northdakotamonitor.com/2025/06/16/north-dakota-removes-lawmaker-addresses-from-website-in-response-to-shooting/>

¹⁴ <https://apnews.com/article/minnesota-shooting-legislators-democrats-safety-c9ea37e97290f2a8f580db7bb425522d>

¹⁵ <https://www.ncsl.org/state-legislatures-news/details/states-react-to-minnesota-lawmaker-assassinations-with-increased-security-measures>

¹⁶ <https://www.naag.org/attorney-general-journal/the-escalating-threats-of-doxxing-and-swatting-an-analysis-of-recent-developments-and-legal-responses/>

purpose. The funding was to be used to enter into a contract with a vendor that would assist all interested judges with removing their personal identifying information from the internet. It is not yet known how costs for DTMB would relate to SCAO's appropriation.

The fiscal impact of House Bill 4397 on local courts would depend on how provisions of the bill affect court caseloads and related administrative costs. Under the bill, civil actions could be commenced to compel compliance with provisions of the bill. Actions for injunctive relief could be commenced in a circuit court or in the Court of Claims. Actions for mandamus against a public body could be commenced in the Court of Appeals. It is not possible to determine the number or types of court actions that would result due to noncompliance, so it is not possible to project the fiscal impact on courts.

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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.