



September 12, 2023

Campaign Legal Center Testimony Before the
House Committee on Elections
In Support of HB 4129

Dear Chair Tsernoglou, Vice-Chair Wegela, and the Members of the House Elections Committee,

On behalf of the Campaign Legal Center, a national, nonpartisan, nonprofit organization that works to protect and strengthen American democracy across all levels of government, we urge you to support HB 4129 to protect election officials in Michigan.

Election workers, officials, and administrators across the country have been on the receiving end of an onslaught of threats, harassment, and stalking that has escalated into an undeniable crisis. Michigan, unfortunately, is no exception: election officials in the state, despite hailing from across the political spectrum, have come under fire for simply carrying out their duties under the law. Their hours are typically long and their responsibilities demanding. In addition to that, their work has become increasingly dangerous in recent years. Election officials deserve a safe and secure working environment that is free from threats of violence and harassment, and Michigan voters deserve an election system free from the influence of unlawful intimidation. HB 4129 would help to accomplish these goals.

A nationwide survey in 2022 revealed that one out of every six local election officials had experienced threats due to their jobs, with 77 percent of them reporting that threats and violence had increased in recent years.¹ Thirty percent of election workers have personally known at least one other election official who left their job due at least in part to threats or harassment.² An independent investigation exposed over 100 threats of death or violence against more than 40 election officials, workers, and their relatives in just eight of the 2020 battleground states, of which Michigan was one.³ Later, Reuters chronicled over 850 threatening or hostile messages against officials and their staff across 16 different states.⁴

The personal experiences of a variety of Michigan election workers and administrators have borne out these statistics on a local level. Just last year, Canton Township Clerk Michael Siegrist expressed frustration about the lack of official action to protect election officials, noting that they “have a joint group, Republicans and Democrats, from all over Michigan. Rural clerks, urban clerks, suburban clerks,” all of whom support legislation in this area.⁵ Siegrist himself has gone to extreme measures to try to keep himself, and his

¹ The Brennan Center, Local Election Officials Survey (March 2022), 10 Mar. 2022, <https://www.brennancenter.org/our-work/research-reports/local-election-officials-survey-march-2022>

² Id.

³ So, Linda & Szep, Jason. “U.S. election workers get little help from law enforcement as terror threats mount.” Reuters, 8 Sept. 2021, <https://www.reuters.com/investigates/special-report/usa-election-threats-law-enforcement/>.

⁴ Eisler, Peter; Szep, Jason; So, Linda & Hart, Sam. “Anatomy of a death threat.” Reuters, 30 Dec. 2021, <https://www.reuters.com/graphics/USA-ELECTION/THREATS/mopanwmlkva/>.

⁵ Hermes, Grant. “Michigan election workers want more done to keep them safe as they face threats, harassment.” Local 4 News, 15 July 2022, <https://www.clickondetroit.com/news/local/2022/07/14/michigan-election-workers-want-more-done-to-keep-them-safe-as-they-face-threats-harassment/>.

staff, safe from the threats they received in the days following the 2020 election. He had a full security evaluation done of their office by federal agencies, eventually taking steps to install bulletproof glass and relocate trashcans where a bomb could be placed inside.⁶ Siegrist, however, still spent many nights awake, worrying and wondering if someone might, one day, follow through on their threats.⁷ He started walking the neighborhood, and even went so far as to purchase a firearm for protection.⁸

He wasn't the only one to do so – Janice Winfrey, former Detroit city clerk, said she became so afraid that, for the first time in her life, she purchased a firearm, obtained a concealed carry permit, and took training courses to learn how to defend herself.⁹ Winfrey had been confronted by a man outside her home, who accused her of rigging the 2020 election. Later that night, his actions escalated – he threatened to blow up her street.¹⁰ These threats didn't just affect Winfrey. Five members of her senior staff ultimately went on leave, and another retired.¹¹ Threats to Winfrey piled up after she testified before the board of state canvassers in the aftermath of the election, culminating in a verifiable death threat that resulted in the Detroit Police Department ordering a special patrol to her neighborhood.¹²

Even the state's highest election official, Secretary Jocelyn Benson, was not immune to these threats. Weeks after the 2020 election, dozens of protestors gathered outside of the Secretary's home, "shouting obscenities and graphic threats into bullhorns."¹³ She testified last year, stating that there is an "omnipresent feeling of anxiety and dread that permeates our daily lives and those of our families" from the consistent threats and harassment that she and her colleagues have experienced.

HB 4129 would ensure that election officials like Siegrist, Winfrey, and Benson have protection from threats like these and recourse when they occur. Currently, many of these credible threats of violence are escaping legal consequences, particularly at the local level. This bill would change that, making it possible to prosecute those who use intimidation tactics to make it more difficult for election officials to do their jobs.

This legislation would be a great advancement for Michigan but is not a new concept nationally. At least twelve other states have laws prohibiting violence, threats, and harassment towards election officials, including California, Colorado, Georgia, Maine, Minnesota, Montana, Nevada, New Hampshire, Oklahoma, Oregon, Pennsylvania, and Washington. Michigan can, and should, join this list and become the next state to protect and defend those who administer Michigan's elections.

Our democracy works best when everyone can participate freely and safely. Numerous states, including Michigan, have rightly passed important laws to protect the right of voters to cast their ballots in a safe environment that is free from intimidation. But we have largely failed to extend the same protection to election administrators and poll workers who are on the receiving end of harassing messages and conduct. Dedicated election officials are a necessity for the type of free, fair, and secure elections that Michigan deserves, and we must do more to protect them.

It is for these reasons that the Campaign Legal Center respectfully urges this committee to support HB 4129.

⁶ Id.

⁷ Id.

⁸ Id.

⁹ So & Szep, "U.S. election workers get little help from law enforcement as terror threats mount."

¹⁰ Id.

¹¹ Nann Burke, Melissa & Hunter, George. "'I feel afraid': Detroit clerk Winfrey testifies to U.S. House panel on death threats she received." The Detroit News, 28 July, 2021, <https://www.detroitnews.com/story/news/politics/2021/07/28/winfrey-testifies-before-house-panel-threats-election-workers/5400419001/>.

¹² Nann Burke & Hunter, "'I feel afraid.'"

¹³ 13 On Your Side Staff. "Michigan Secretary of State Jocelyn Benson testifies before Senate committee about election threats." WZZM 13, 4 Aug. 2022, <https://www.wzzm13.com/article/news/politics/elections/michigan-secretary-state-jocelyn-benson-testifies-senate-committee-election-threats/69-c2a91e6c-30b7-4c33-b281-dcfb646eae1e8>.