

# MICHIGAN | A Democracy

## Crisis in The Making

### Michigan Legislation Increasing the Risk of Election Subversion

In the 21 months since the 2020 presidential election, legislatures across the country have moved to seize power from professional, non-partisan election administrators and to needlessly expose the running of elections to partisan influence and disruption. This effort increases the risk of a crisis in which the outcome of an election could be decided contrary to the will of the people. [This year alone](#), lawmakers across 30 states have introduced hundreds of new bills that increase the likelihood of election subversion, whether directly or indirectly. In some cases, the potential subversion is quite direct—for example, bills that give the legislature the power to choose a victor contrary to the voters’ will. In others, the impact is less direct but still dangerous. Some bills would introduce dysfunction and chaos into the election system and could lead to delay, uncertainty, and confusion, all of which could provide cover for subversion. This factsheet spotlights the status of election subversion legislation and other efforts in Michigan.

[In our report on this trend](#), we analyzed legislation introduced in Michigan and determined whether they might fall into one of several types of proposals that increase the risk of election subversion. These categories include:

#### #1: Requiring partisan or unprofessional “audits” or reviews.

Legislation proposing unprofessional or biased reviews of election results has surged in 2022. These bills call for procedures that are vague or subject to abuse, and in some cases hand the power to call for audits to political parties or the legislature. These bills threaten to call election outcomes perpetually into doubt. They would tie up election administrators and likely would amount to state-sponsored vehicles for disinformation.

As of July 31, we have found 1 bill in this category that was introduced this year in Michigan or carried over from last year.

- [HB 5091](#)

#### #2: Seizing power over election responsibilities.

Legislatures have proposed shifting power from professional election administrators to partisan legislatures or legislatively appointed officials. These bills increase the danger of partisan election manipulation and raise the risk of an election crisis.

As of July 31, we have found 1 bill in this category that was introduced this year in Michigan or carried over from last year.

- [SB 289](#)



### #3: Creating unworkable burdens in election administration.

These bills increase the risk of subversion by intruding on the granular details of election administration. One particularly dangerous flavor of these bills, under consideration in Arizona, would require all ballots to be counted by hand, practically guaranteeing delays, higher rates of counting error, and increased risk of tampering by bad actors.

As of July 31, we have found 7 bills in this category that were introduced this year in Michigan or carried over from last year.

- [HB 5167](#)
- [HB 5186](#)
- [HB 5253](#)
- [SB 276](#)
- [SB 284](#)
- [SB 297](#)
- [SB 1069](#)

### #4: Imposing disproportionate criminal or other penalties.

Legislatures have proposed criminal prosecution of election officials for poorly defined offenses and have created criminal and civil liability for steps that election officials routinely take to help voters cast ballots. States are also escalating the enforcement of election laws by creating entirely new law enforcement agencies, which can breed distrust in elections and election officials and interfere with effective election administration.

As of July 31, we have found 4 bills in this category that were introduced this year in Michigan or carried over from last year.

- [SB 276](#)
- [HB 4511](#)
- [HB 4952](#)
- [HB 4963](#)

## Subversion from Beyond the Statehouse

### Voting machine breaches

Law enforcement in Michigan is investigating at least [two instances](#) of unauthorized personnel being [allowed to access voting machines](#) or attempting to copy voting machine data. One person has been indicted so far.

### Election Deniers

As 2022 began, more than 100 so-called election deniers were in the [running](#) to be either governor, attorney general, or secretary of state. Many of them are [campaigning](#) on lies and conspiracy theories. In Michigan, the Republican nominees for statewide office are [Election Deniers](#) Tudor Dixon (governor) has falsely claimed that Trump won the state in 2020. Kristina Karamo (secretary of state) has made baseless claims of election misconduct and voting machine malfunctions in the 2020 election, and Matthew DePerno (attorney general) was a central player in 2020 election legal challenges in Michigan and has been identified as one of the parties involved in breaches to voting systems in the [state](#).

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