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Senate Bill 843 (as introduced 10-21-99)
Sponsor: Senator Joanne G. Emmons
Committee: Government Operations

Date Completed: 10-27-99

CONTENT

The bill would amend the Michigan Election Law to provide that before issuing a certification of determination declaring the results of an election, a county board of canvassers or the Board of State Canvassers would have to receive from a candidate an affidavit stating that all reports, fines, and fees had been filed or paid. Further, the bill would require a candidate to provide this information when he or she filed nominating petitions.

The Election Law requires a county board of canvassers and the Board of State Canvassers, for elections under their respective jurisdictions, to determine and declare the results of an election and prepare a certificate of determination to be delivered to the Secretary of State or county clerk. The bill would prohibit a county board of canvassers and the Board of State Canvassers from preparing a certificate of determination for a candidate who raised or spent more than \$1,000 on a campaign, until the candidate had filed an affidavit with the appropriate board. The affidavit would have to state that, as of its date, all statements, reports, filing fees, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate's election had been filed or paid and that the candidate acknowledged that making a false statement in the affidavit was perjury punishable by a fine of up to \$1,000, imprisonment for up to five years, or both. The board of county canvassers or State Board would have to contact the appropriate agency to determine whether all required statements and reports had been filed and all required filing fees, late filing fees, and fines had been paid.

Currently, when filing nominating petitions, a candidate must file an affidavit that states various information regarding the candidate's identity and residency. The bill would require that the affidavit contain a statement that, as of the date of the affidavit, all statements, reports, filing fees, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate had been filed or paid.

A person who made a false affidavit under the bill would be guilty of perjury.

MCL 168.1558 et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

Senate Bill 843 would have an indeterminate fiscal impact on State government.

There are no data to indicate how many people would be convicted of perjury in regard to election finance. The bill would establish the crimes as felonies carrying a maximum sentence of five years in prison and/or a fine of \$10,000. The bill would not incorporate the crimes into the sentencing guidelines, and therefore the minimum sentence (which determines the cost of incarceration) would be at the discretion of the sentencing judge. Assuming that a judge would sentence an offender to a minimum term of incarceration two-thirds of the maximum sentence, or 40 months, the cost of incarceration for this crime, assuming five offenders a year would be convicted of each of the perjury felonies, would be \$733,300.

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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.

