

Legislative Analysis



PENALTY FOR MISINFORMING VOTERS ABOUT RIGHT TO VOTE

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House Bills 4880 & 4881

Sponsor: Rep. Mary Valentine

Committee: Ethics and Elections

Complete to 8-24-10

A SUMMARY OF HOUSE BILLS 4880 - 4881 AS INTRODUCED 5-5-09

The bills would create a new felony crime to prohibit misinforming voters about their right to vote, and set a maximum penalty of up to five years in prison. A more detailed explanation of each bill follows.

House Bill 4880 would amend the Michigan Election Law (MCL 168.932c) to prohibit a person from knowingly or intentionally providing false or misleading information to an elector concerning the elector's right to vote. A person who violated this section of the law would be guilty of a felony.

House Bill 4881 would amend the sentencing guidelines that are a part of the Code of Criminal Procedure (MCL 777.11d) in order to add a penalty for the new felony (misinforming voters about their right to vote). Under the bill, "Providing false or misleading information concerning voter's right to vote" would be categorized as a Class E Public Trust crime, and the maximum penalty for a violation of that crime would be a sentence of five years in prison.

House Bill 4881 is tie-barred to House Bill 4880 so that it would not go into effect unless House Bill 4880 also was enacted into law.

FISCAL IMPACT:

Both House Bill 4880 and House Bill 4881 provide that a person who knowingly or intentionally provides false or misleading information to an elector concerning the elector's right to vote is guilty of a Class E felony punishable by not more than five years imprisonment. To the extent that persons are convicted of this offense, local and state incarceration costs could increase. Local incarceration costs at local jails vary by county. The average cost of incarceration in a state prison is roughly \$34,000 per prisoner per year. However, the incremental cost of adding a one or more prisoners to the system can vary significantly around this average depending on the availability of open beds. Costs of parole and probation supervision, exclusive of the cost of electronic tether, average about \$2,100 per supervised offender per year.

Under House Bill 4880, the local court cost increase would depend on the number of cases brought under the provisions of the bill. Some of the costs may be offset through

the payment of court costs and fees. Under the Michigan Constitution of 1963 (Article 8, Section 9) all criminal fines collected for breach of the penal laws are applied to support public libraries and county law libraries.

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