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BILL



ANALYSIS

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Senate Bill 692 (Substitute S-1 as reported)  
Senate Bill 693 (as reported without amendment)  
Senate Bill 694 (Substitute S-3 as reported)  
Senate Bill 695 (Substitute S-1 as reported)  
Senate Bill 999 (as reported without amendment)  
Sponsor: Senator Cameron S. Brown (S.B. 692 & 693)  
          Senator Wayne Kuipers (S.B. 694 & 695)  
          Senator Michelle A. McManus (S.B. 999)  
Committee: Campaign and Election Oversight

Date Completed: 1-12-10

### **CONTENT**

**Senate Bills 692 (S-1), 693, 694 (S-3), and 999 would amend the Michigan Election Law to do all of the following:**

- **Make it a felony to provide or receive valuable consideration for voting or refraining from voting or registering to vote, or refraining from registering.**
- **Delete those violations from the Law's list of misdemeanors.**
- **Prohibit a local clerk from registering a person to vote if the clerk knew or had good reason to believe the person was not a resident and a qualified elector.**
- **Require a local clerk to forward to the county prosecutor the voter registration application of a person who attempted to register to vote if the clerk knew or had good reason to believe the person was not a qualified elector.**
- **Make it a felony for a person to register to vote if he or she knew or had good reason to believe that he or she was not a qualified elector.**
- **Prohibit and prescribe a felony penalty for knowingly submitting a fraudulent or forged voter registration application to the Secretary of State or a local clerk.**

**Senate Bill 695 (S-1) would amend the Code of Criminal Procedure to include the felonies proposed by Senate Bills 692 (S-1), 694 (S-3), and 999 in the sentencing guidelines.**

Senate Bill 692 (S-1) and 693 are tie-barred to each other. Senate Bill 695 (S-1) is tie-barred to Senate Bills 692, 693, 694, and 999.

### **Senate Bill 692 (S-1)**

The bill would prohibit a person from directly or indirectly giving, lending, or promising valuable consideration to or for any person, as a reward for voting or refraining from voting.

The bill also would prohibit a person from receiving, agreeing, or contracting for valuable consideration for one or more of the following, for the person's own benefit or on behalf of any other person:

- Registering to vote or agreeing to register to vote, or inducing or attempting to induce another person to register to vote.

- Refraining or agreeing to refrain, or inducing or attempting to induce another person to refrain, from registering to vote.
- Voting or agreeing to vote, or inducing or attempting to induce another person to vote, at an election.
- Refraining or agreeing to refrain, or inducing or attempting to induce another person to refrain, from voting at an election.

A violation of the bill would be a felony punishable by up to five years' imprisonment, a maximum fine of \$5,000, or both for each violation.

Under the bill, "person" would mean a business, individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, or any other organization or group of people acting jointly.

"Valuable consideration" would mean that term as defined in Section 931 of the Code. Under that section, "valuable consideration" includes money, property, a gift, a prize or chance for a prize, a fee, a loan, an office, a position, an appointment, or employment.

### **Senate Bill 693**

The Michigan Election Law designates certain violations as misdemeanors. These include giving, lending, or promising valuable consideration to or for any person as a reward for refraining from voting. They also include receiving, agreeing, or contracting for valuable consideration either for voting or agreeing to vote, or inducing or attempting to induce another to vote at an election, or refraining or agreeing to refrain, or inducing or attempting to induce another to refrain from voting at an election. The bill would delete those violations from the Law's list of misdemeanors.

### **Senate Bill 694 (S-3)**

Under the Michigan Election Law, no township, city, or village clerk or assistant clerk may register any person whom the clerk knows or has good reason to believe is not a resident and so qualified, nor may any person, knowing or having good reason to believe that he or she is not a resident and so qualified, register as an elector. A person committing a violation, or aiding or abetting another in so doing, is guilty of a misdemeanor.

The bill would delete those provisions. Instead, a city, township, or village clerk or assistant clerk could not register a person to vote if the clerk or assistant clerk knew or had good reason to believe that the person was not a resident and a qualified elector. A violation would be a misdemeanor. (If a person is found guilty of a misdemeanor under the Election Law, unless otherwise provided, the penalty is a maximum fine of \$500, imprisonment for up to 90 days, or both (MCL 168.934).)

If a person attempted to register to vote as an elector and a city, township, or village clerk or assistant clerk knew or had good reason to believe that the person was not a qualified elector, the clerk or assistant clerk would have to forward the person's voter registration application to the county prosecutor for the county in which the clerk or assistant clerk was located.

The bill also would prohibit a person from registering to vote as an elector if that person knew or had good reason to believe that he or she was not a qualified elector. In addition, a person could not knowingly submit a fraudulent or forged voter registration application to the Secretary of State or a county, city, township, or village clerk. A violation would be a felony. (If a person is found guilty of a felony under the Election Law, unless otherwise provided, the penalty is a maximum fine of \$1,000, imprisonment for up to five years, or both (MCL 168.935).)

As used in the provision described above, "person" would mean a business, individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, or any other organization or group of people acting jointly.

### **Senate Bill 999**

The bill would prohibit a person from knowingly submitting a fraudulent or forged voter registration application to the Secretary of State or a county, city, township, or village clerk. A violation would be a felony punishable by up to five years' imprisonment, a maximum fine of \$5,000, or both.

As used in the bill, "person" would mean a business, individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, or any other organization or group of people acting jointly.

### **Senate Bill 695 (S-1)**

The bill would include the felonies proposed by Senate Bills 692 (S-1), 694 (S-3), and 999 in the sentencing guidelines, as shown in Table 1.

Table 1

Proposed Felony	Felony Class & Category	Statutory Max. Sentence
Illegal or fraudulent voter registration	E – Public Trust	5 years
Providing or receiving valuable consideration to vote or refrain from voting, or to register or refrain from registering to vote	E – Public Trust	5 years
Submitting a fraudulent or forged voter registration application	E – Public Trust	5 years

Proposed MCL 168.931a (S.B. 692)

MCL 168.931 (S.B. 693)

168.519 (S.B. 694)

777.11d (S.B. 695)

Proposed MCL 168.932d (S.B. 999)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offenses. An offender convicted of one of the Class E offenses under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months, with a maximum sentence of five years. In addition, individuals convicted of a proposed offense could be subject to a maximum fine of \$1,000 or \$5,000, depending on the offense. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an average annual cost of \$3,000, as well as the cost of incarceration in a State facility at an average annual cost of \$34,000. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Matthew Grabowski

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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.