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Senate Bill 692 (Substitute S-2 as reported by the Committee of the Whole)

Senate Bill 693 (Substitute S-1 as reported by the Committee of the Whole)

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

CONTENT

<u>Senate Bill 692 (S-2)</u> would amend the Michigan Election Law to prohibit a person from 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 accepting, receiving, agreeing, or contracting for valuable consideration, for the person's own benefit or on behalf of any other person, for one or more of the following:

- -- Registering to vote or agreeing to register to vote.
- -- Refraining or agreeing to refrain from registering to vote.
- -- Voting, agreeing to vote, or voting in a particular manner relative to a candidate or ballot question.
- -- Refraining or agreeing 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.

The bill is tie-barred to Senate Bill 693.

<u>Senate Bill 693 (S-1)</u> would amend the Michigan Election Law to delete from the Law's list of misdemeanors the violations that would be felonies under Senate Bill 692 (S-2). Senate Bill 693 (S-1) is tie-barred to Senate Bill 692.

<u>Senate Bill 694 (S-3)</u> would amend the Michigan Election Law to revise provisions relating to a local clerk's registration of qualified voters. Currently, 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.

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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).)

Under the bill, 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.

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).)

<u>Senate Bill 999</u> would amend the Michigan Election Law to 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.

<u>Senate Bill 695 (S-1)</u> would amend the Code of Criminal Procedure to include the felonies proposed by Senate Bills 692 (S-2), 694 (S-3), and 999 in the sentencing guidelines. Each would be a Class E felony against the public trust, with a statutory maximum sentence of five years' imprisonment. Senate Bill 695 (S-1) is tie-barred to Senate Bills 692, 693, 694, and 999.

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)

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 \$5,000. 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.

Date Completed: 3-2-09 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.

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