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Senate Bills 694 and 695 (as introduced 7-15-09)

Sponsor: Senator Wayne Kuipers

Committee: Campaign and Election Oversight

Date Completed: 12-7-09

## **CONTENT**

Senate Bills 694 and 695 would amend the Michigan Election Law and the Code of Criminal Procedure, respectively, to do all of the following:

- -- Revise the prohibition against registering an unqualified person to vote.
- -- Prohibit a person from knowingly submitting a fraudulent or forged voter registration application.
- -- Designate that violation as a felony.
- -- Include illegal or fraudulent voter registration in the sentencing guidelines.

Senate Bill 695 is tie-barred to Senate Bill 694.

## Senate Bill 694

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 qualified elector. Also, a person could not register to vote as an elector if that person knew or had good reason to believe that he or she were not a qualified elector.

In addition, under the bill, 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. As used in this provision, "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.

A violation of the bill 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).)

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## Senate Bill 695

The bill would include the offenses described in Senate Bill 694 in the sentencing guidelines. Illegal or fraudulent voter registration would be a Class E felony against the public trust, with a statutory maximum of five years' imprisonment.

MCL 168.519 (S.B. 694) 777.11d (S.B. 695) 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 offense. An offender convicted of the Class E offense 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 the proposed offense could be subject to fines not to exceed \$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.

Fiscal Analyst: Matthew Grabowski

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.