

SUBMISSION OF AN ABSENT VOTER BALLOT APPLICATION BY ANOTHER

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Senate Bills 977 and 978 as passed by the Senate
Sponsor: Sen. Kevin Daley
House Committee: Elections and Ethics
Senate Committee: Elections
Complete to 8-27-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 977 would amend Chapter 28 (Holding of Elections) of the Election Code. Under the bill, except as otherwise expressly authorized by law, a person who knowingly submitted an absent voter (AV) ballot application containing or using another person's name and personal ID information would be guilty of a felony.

Currently and under SB 977, the following people may be in possession of a signed AV ballot application:

- The applicant.
- A member of the applicant's immediate family.
- A person residing in the applicant's household.
- A mail carrier in the course of his or her employment.
- A registered elector requested by the applicant to return the application (who has signed the included certificate that indicates that he or she has not solicited the application, did not alter it, and is aware of the penalties for violating election law).
- A clerk or other authorized election official.

The bill would also make it a felony for a person to knowingly submit an AV ballot application with the intent to obtain multiple AV ballots for a person.

Under section 935 of the code, these new felony offenses would each be punishable by imprisonment for up to five years or a fine of up to \$1,000, or both.

Finally, it is currently a misdemeanor to make a false statement in an AV ballot application. SB 977 would instead make it a misdemeanor to knowingly make a false statement.

MCL 168.759

Senate Bill 978 would amend the Code of Criminal Procedure to incorporate the felonies proposed by SB 977 into sentencing guidelines. The bill would designate each as a class E felony offense against the public trust, punishable by a statutory maximum of five years' imprisonment.

MCL 777.11d

FISCAL IMPACT:

Senate Bill 977 would have an indeterminate fiscal impact on the state and on local units of government. Under the bill, a person who knowingly submits an absent voter ballot application using another person's name and personal identification, and a person who knowingly submits an absent voter ballot application with intent to obtain multiple absent voter ballots, would be guilty of a felony. The number of convictions that would result under the bill is not known.

New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2019, the average cost of prison incarceration in a state facility was roughly \$39,400 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,800 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue.

The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

Senate Bill 978 is a companion bill to SB 977 and amends sentencing guidelines to include the offenses of knowingly submitting an absent voter ballot application using another person's name and knowingly submitting an absent voter ballot application with intent to obtain multiple absent voter ballots. The bill would not have a direct fiscal impact on the state or on local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.