

PROHIBITION ON MISREPRESENTATION BY A PETITION CIRCULATOR

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4635 as introduced
Sponsor: Rep. Jeremy Moss
Committee: Elections and Ethics
Complete to 12-12-18

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

SUMMARY:

House Bill 4635 would amend the Michigan Election Law to prohibit an individual circulating or obtaining signatures on a ballot question petition or recall petition from intentionally making a false statement or misrepresentation concerning the contents, purport, or effect of the petition to a person who signs, desires to sign, is requested to sign, or makes inquiries about the petition or to whom the petition is presented for signature.

The bill would also prohibit the circulator from knowingly and willfully circulating, publishing, or exhibiting a false statement or misrepresentation about the contents, purport, or effect of the petition for the purpose of persuading or influencing the person to sign the petition. Additionally, if an elector asked whether the circulator was a paid or volunteer circulator, the circulator could not make a false or misleading statement in response.

A circulator who violated any of these provisions would be guilty of a misdemeanor punishable by a fine of up to \$500 or imprisonment for up to 90 days, or both.

The bill would take effect 90 days after enactment.

Proposed MCL 168.484a and 168.956a

FISCAL IMPACT:

HB 4635 would have an indeterminate fiscal impact on the state and on local units of government. Information is not available on the number of persons that might be convicted under provisions of the bill. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. Any fiscal impact on the judiciary and local court systems would depend on how provisions of the bill affect court caseloads and related administrative costs. Any increase in penal fine revenue would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

Legislative Analyst: Jenny McInerney
Fiscal Analysts: Robin Risko
Michael Cnossen

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