



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5881 (Substitute H-4 as passed by the House)

Sponsor: Representative Ann Bollin

House Committee: Elections and Ethics
Judiciary

Senate Committee: Committee of the Whole

Date Completed: 9-30-20

CONTENT

The bill would amend the sentencing guidelines in the Code of Criminal Procedure to include certain felonies pertaining to fraudulently submitting an absent voter ballot application.

Currently, under the Code, forging a signature on an absentee ballot is a Class E felony against public trust, with a statutory maximum sentence of five years' imprisonment. The bill would delete that felony and would add the following felonies:

- Knowingly filling out an absent voter ballot application and without consent submitting or causing to be submitted that absent voter ballot application containing another person's name and information.
- Knowingly filling out and submitting or causing to be submitted an absent voter ballot application with the intent to obtain multiple absent voter ballots for a person.
- Knowingly submitting an absent voter ballot application containing false information or a forged signature.

Each of the felonies described above would be a Class E felony against the public trust and would have a statutory maximum sentence of five years' imprisonment.

House Bill 5881 (H-4) is tie-barred to Senate Bill 977, which would amend Part 759 (Absent Voters) of the Michigan Election Law to incorporate the felonies described above into the Law, among other things.

MCL 777.11d

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bill would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Fiscal Analyst: Joe Carrasco

SAS\S1920\s5881sa

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.