



Senate Fiscal Agency  
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BILL



ANALYSIS

Telephone: (517) 373-5383  
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Senate Bill 40 (as introduced 1-19-11)  
Sponsor: Senator Tupac A. Hunter  
Committee: Local Government and Elections

Date Completed: 6-5-12

### **CONTENT**

**The bill would amend the Michigan Election Law to do the following:**

- **Require a candidate for elective office to file an affidavit stating that he or she had not been convicted of a disqualifying felony within the previous 20 years.**
- **Prohibit the inclusion of a candidate's name on the ballot if he or she did not file the required affidavit.**
- **Extend the Law's perjury penalty to a person who filed a false affidavit under the bill.**

The Election Law requires a candidate for elective office to file an affidavit of identity with the appropriate officer. Under the bill, a candidate also would have to file an affidavit stating that he or she had not been convicted within the immediately preceding 20 years of a felony involving dishonesty, deceit, fraud, or a breach of the public trust that was related to his or her official capacity while holding an elective office or position of employment in local, State, or Federal government.

The official responsible for preparing the ballot for use in an election could not include a candidate on the ballot unless the candidate had filed the required affidavit.

An individual who makes a false affidavit of identity for the purpose of qualifying as a candidate for elective office is guilty of perjury and subject to a penalty as prescribed in the Law. Under the bill, a person who made a false affidavit regarding conviction of a disqualifying felony also would be guilty of perjury and subject to the penalty.

(Under the Law, a person found guilty of perjury must be punished by a maximum fine of \$1,000 and/or up to five years' imprisonment.)

MCL 168.933 et al.

### **BACKGROUND**

At the November 2010 general election, Michigan voters approved ballot proposal 10-2, an amendment to the State Constitution to restrict a person's eligibility for elective office and certain governmental employment.

The proposal added Section 8 to Article XI of the Constitution to provide that a person is ineligible for election or appointment to any State or local elective office, or to hold a

position in public employment that is policy-making or that has discretionary authority over public assets if, within the immediately preceding 20 years, the person was convicted of a felony involving dishonesty, deceit, fraud, or a breach of the public trust and the conviction was related to the person's official capacity while he or she was holding any elective office or position of employment in local, State, or Federal government.

Section 8 requires the Legislature to prescribe by law for its implementation.

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bill would have an indeterminate, but likely negligible, fiscal impact on State government. In the event that an individual was convicted of perjury under the bill, the State would incur the cost of incarceration for up to five years and a fine of up to \$1,000 would have to be assessed.

Fiscal Analyst: Dan O'Connor