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BILL



ANALYSIS

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House Bill 4435 (Substitute H-1)
Sponsor: Representative Ken Sikkema
House Committee: Local Government
Senate Committee: Government Operations

Date Completed: 5-24-95

SUMMARY OF HOUSE BILL 4435 (Substitute H-1) as passed by the House:

The bill would amend the Michigan Election Law to remove current provisions that require a voter to declare a party preference before being allowed to vote in a presidential primary; delete requirements that party preference be noted on various election documents; and prescribe the conditions under which a presidential primary candidate could clarify his or her party status and candidate status.

Currently, an election official in a presidential primary election may allow an elector to vote only if the elector's registration contains a declaration of party preference; the elector may vote only for a candidate of that party. If an elector is registered with no party preference, he or she may not vote. The bill would delete these provisions, and provide instead that, except as otherwise prescribed in the Election Law, a statewide presidential primary election would have to be conducted under the provisions of the Election Law that govern the conduct of general primary elections.

Currently, the Election Law requires that the voter registration application, the voter registration, and the local voter registration list all contain a space indicating a voter's declaration of party preference or no party preference. Further, the voter poll list maintained by the local election clerks must contain the name of the party ballot voted by an elector at a presidential primary. The bill would delete all of these provisions.

Currently, no later than the second Friday in December of the year before a presidential election, the Secretary of State must issue a list of the persons generally advocated by the national news media to be potential presidential candidates for each party; the State chairperson of each party for which an election will be held then must file with the Secretary of State a list of persons whom he or she considers potential candidates. The Secretary of State must notify each potential candidate on the lists of the provisions of the Election Law relating to presidential primary electors. The Secretary of State must cause to be printed on the ballot for the presidential primary under the appropriate political party heading the name of a presidential candidate notified by the Secretary of State who has filed an affidavit indicating his or her party preference and willingness to have his or her name printed on that party's ballot. The bill provides that a presidential candidate notified by the Secretary of State could file an affidavit with the Secretary of State indicating his or her party preference if different than the party preference contained in the notification, and the Secretary of State would have to cause that presidential candidate's name to be printed under the appropriate party heading on the ballot. A presidential candidate notified by the Secretary of State could file

an affidavit with the Secretary of State indicating that he or she did not wish to have his or her name printed on the ballot, and the Secretary of State could not have that candidate's name printed on the ballot.

Currently, national convention delegates must be elected on a basis that insures that the proportion of the total national convention delegation that is uncommitted or is committed to each presidential candidate equals, as near as is practicable, the proportion of the popular vote that was cast as uncommitted or for each respective presidential candidate of the particular political party's total popular vote at the presidential primary election. The determination of these proportions may include only the votes cast as uncommitted, or for a particular presidential candidate, if the total vote cast as uncommitted, or for that particular presidential candidate, equals at least 5% of the total vote cast for all presidential candidates or as uncommitted for that political party at that election. The bill would eliminate the 5% requirement and instead leave the percentage determination to State party rules.

MCL 168.495 et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would result in savings to the State. The State currently reimburses cities and townships for sending out registration cards solely for the purpose of party declaration. The Department of State estimates annual costs at \$70,000.

Fiscal Analyst: B. Bowerman

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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.