



**House  
Legislative  
Analysis  
Section**

Washington Square Building, Suite 1025  
Lansing, Michigan 48909  
Phone: 517.373-6466

***A SUMMARY OF SENATE BILL 349 AS  
PASSED BY THE SENATE 4-20-88***

The bill would amend the Michigan Election Law to establish a "closed" presidential primary in Michigan to be held on the third Tuesday in March of each presidential election year. A party that received five percent or less of the total vote cast nationwide in the most recent presidential election could not participate. For the 1992 presidential election year and beyond, a voter would be required to declare a party preference at least 30 days before the presidential primary in order to be allowed to vote in the primary and could vote only for that party's candidates. A voter who failed to record his or her preference with a city or township clerk, or who indicated no party preference, would not be eligible to vote in the presidential primary. The bill would require the state to reimburse counties, cities, and townships for the cost of conducting the presidential primary, and would require the legislature to appropriate money from the general fund to cover the costs. The bill also contains, among other things, provisions regarding how presidential candidates would get on the primary ballot, how delegates to the national conventions would be selected, the nature of the commitment of delegates to candidates, and the means by which voters could indicate their party preference. The bill would specify that if the state law regarding delegate selection conflicted with a state or national political party rule, the party rule would apply unless the party's rules required that state law be followed. The bill also would reinstate several sections in the election law similar to those repealed by Public Act 181 of 1983, which abolished the presidential primary.

**Selection of Presidential Candidates.** The secretary of state would, no later than 4 p.m. on the second Friday in December of the year preceding a presidential election year, issue a list of the individuals "generally advocated by the national news media to be potential presidential candidates" for each party's nomination by the political parties for which a presidential primary will be held. By 4 p.m. the next Tuesday, the state party chairpersons would have to file with the secretary of state a list of people they considered their respective parties' potential presidential candidates. The secretary of state would then notify the candidates on the lists of Michigan's primary requirements. The candidates notified would have to file an affidavit with the secretary of state no later than the second Friday in January indicating party affiliation and willingness to appear on the primary ballot. A candidate who did not appear on the lists prepared by the secretary of state or the party chairs could get on the primary ballot by filing, along with the affidavit, a nominating petition bearing signatures equal to one-half of one percent of the total votes cast in the state at the previous presidential election for the candidate of the party whose nomination was being sought. (However, the signature requirement could not exceed one thousand times the number of congressional districts.) A signature would not be valid if collected before the previous November 1. The petitions would also be due on the second Friday in January. The ballot would also contain a space for voters to vote uncommitted.

**PRESIDENTIAL PRIMARY**

**Senate Bill 349** as passed the Senate  
Sponsor: Sen. Dick Posthumus  
Senate Committee: Government Operations  
House Committee: Elections

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**Voter Registration.** Under the bill, registered electors and people applying to register could declare (or change) their party preferences or declare that they had no preference by applying to the appropriate city or township clerk or at a Department of State branch office. Beginning March 1, 1989, people could indicate party preference when renewing a driver's license. People already registered would also be able to declare their preference to the local clerk in writing if they chose. (They would have to include name, address, date of birth, and signature.) Until February 15, 1992, local clerks and agents of the secretary of state would have to notify people applying to register or changing registrations that they could not vote in a presidential primary election unless they had declared a party preference at least 30 days in advance. The notice, to be provided by the secretary of state, would also have to point out that a declaration of party preference remained in effect until the voter indicated a new preference or declared no preference. People voting in city and township elections would also be provided the notice on a form that would allow them to declare a party preference or declare no preference. Local clerks would be required to send a corrected voter identification card to an elector who changed or added a declaration of party preference or of no party preference. A voter's declared preference would be placed on and remain on the precinct registration file and the master registration file of the voter until changed. If a registration list were used for a presidential primary instead of a precinct registration file, the list would include the party preference. If a voter did not make a declaration of preference or of no preference, he or she would be considered to have declared no party preference.

**Delegate Selection.** Under the bill, delegates to a national convention would include only those delegates elected at a state convention. Delegates to the state convention would include only those elected at a county convention, except for state legislators who by virtue of office are entitled to be delegates-at-large. (Legislators serving as delegates-at-large in this way could not participate in selecting national delegates but could participate in other business.) Before an individual could be elected as a delegate to the state convention or national convention of a political party, he or she would have to sign an affidavit indicating to which candidate he or she was committed or indicating that he or she was uncommitted. A person seeking election as a delegate to the state convention would file the affidavit with the county chair or district committee chair, who in turn would file a copy with the chair of the state central committee. A person seeking election as a delegate to the national convention who did not file the state convention affidavit would have to file the required affidavit with the state central committee chair. A delegate would be bound to vote for the candidate to which he or she was committed until the end of the first ballot at the national convention unless the candidate publicly withdrew or released the delegate by written

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notice to the state central committee chair. Before being elected a national convention delegate, a person would have to be certified by the presidential candidate to which he or she was committed. National convention delegates would be elected in proportion to the presidential primary results for those candidates (including "uncommitted") receiving more than five percent of the total votes cast.

The bill would specify that delegates to county conventions would comprise precinct delegates elected at the last prior August primary election, incumbent county officials, incumbent state legislators, and unsuccessful candidates for county and legislative offices at the most recent regular or special elections. The provisions governing county and state conventions would remain as they are in the election law, except that congressional district caucuses at the state convention would each select three delegates (rather than two) to the national convention, with the remainder to be elected by the state convention as delegates-at-large.

As mentioned above, the bill would specify that a state political party would have to follow state law pertaining to delegate selection if required to follow state law by a state or national party rule. If there was no such rule, a requirement of the election law regarding delegate selection (after the election of delegates to the county conventions) would not apply if it conflicted with a rule of the political party.

Canvassing. The Board of State Canvassers would canvass the returns received from the boards of county canvassers and certify the statewide and congressional district results of the presidential primary election to the secretary of state. The secretary of state would certify the results to the chairs of the state central committees of the participating political parties. The usual provisions regarding the availability of recounts would not apply to the presidential primary. Notwithstanding other election law requirements, the secretary of state could authorize the immediate release of all ballots, ballot boxes, voting machines, and equipment used in cities conducting a city election in the first week in April if the county clerk certified that there were no defects or malfunctions discovered or alleged and that no other elections or questions appeared on the same election equipment.

Reimbursement to Local Units. Counties, cities, and townships would have to submit a verified account of actual costs no later than 90 days after the presidential primary and the state would have 90 days to pay or disapprove the verified account. The Department of Treasury and the secretary of state would have to agree as to what constitutes valid costs of conducting an election. Reimbursable costs would not include salaries of permanent local officials, the cost of reusable supplies and equipment, or costs attributable to local special elections held in conjunction with the presidential primary.

The bill's provisions would take effect September 1, 1988.

MCL 168.495 et al.