



**House  
Legislative  
Analysis  
Section**

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**PARTY PREFERENCE DATA**

**House Bill 5096 with committee  
amendments  
First Analysis (9-28-95)**

**Sponsor: Rep. Robert Brackenridge  
Committee: Local Government**

***THE APPARENT PROBLEM:***

Public Act 87 of 1995 (House Bill 4435) essentially created an open presidential primary and eliminated the requirement that voters declare a party preference in order to vote in a presidential primary. However, that act did not address provisions in the Michigan Election Law regarding party preference information on registration records. Legislation has been introduced with the aim of having party preference designations removed from registration records and, in the meantime, keeping such information from being public information.

***THE CONTENT OF THE BILL:***

House Bill 5096 would amend the Michigan Election Law to authorize a clerk or authorized assistant to remove the party preference declaration from registration files and lists and would specify that the portion of a voter registration record that contains a party preference or no preference declaration would not be subject to the Freedom of Information Act. A clerk (or any other person) would be prohibited from releasing a copy of the portion of a voter registration record containing a party preference or no preference declaration. The bill also provides that a clerk would not be required to prepare and send a corrected voter identification card to a voter who had previously made a declaration of party preference or no preference.

The bill also contains amendments to Section 499 to make it conform to the requirements of the federal National Voter Registration Act, by removing references to affidavits and oaths as required to register to vote.

MCL 168.495a and 168.499

***FISCAL IMPLICATIONS:***

The bill has no revenue or budgetary implications, according to the Department of State. (Departmental memorandum dated 9-25-95)

***ARGUMENTS:***

***For:***

The aim of the bill is that election officials begin removing party preference (or no preference) information from registration records in a timely manner. This data is no longer needed with the move to an open primary. The bill does not impose a mandate on local clerks or provide a timetable. It allows clerks to remove the information as they can, based on their own local circumstances. The bill also contains provisions to keep election officials from disclosing party preference data.

***Against:***

There are concerns that without a mandate or a definite timetable, some clerks simply will not remove party preference information in a timely manner. This could lead to a tension between the public's right to physically look at registration records and the sentiment of the bill that political party preference information is not subject to Freedom of Information requests. The bill ought to make it clear that it does not intend to prevent people from inspecting registration records.

***Response:***

One reason for not including a mandate to expunge party preference information is that such a mandate would have "Headlee" implications, meaning that the state might then be compelled to fund the effort to correct registration records. Further, an amendment was added in committee intended to reduce the likelihood a person would be refused

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access to registration records because local election officials had not yet removed party declaration information.

***POSITIONS:***

The Department of State supports the bill. (9-25-95)