



**House
Legislative
Analysis
Section**

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PARTY PREFERENCE DATA

**House Bill 5096 as enrolled
Public Act 213 of 1995
Second Analysis (9-3-96)**

**Sponsor: Rep. Robert Brackenridge
House Committee: Local Government
Senate Committee: Government
Operations**

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. It also would specify that a person making a request under the Freedom of Information Act would not be entitled to receive a copy of the portion of a voter registration record containing a declaration of party preference or of no-preference. 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.

Additionally, 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 releasing copies of documents 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.

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.

Analyst: C. Couch

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

House Bill 5096 (9-3-96)