

CHANGE PRESIDENTIAL PRIMARY DATE

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 44 (H-1) as passed by the House
Senate Bill 45 (H-1) as passed by the House
Sponsor: Sen. Dave Robertson
House Committee: Elections
Senate Committee: Elections and Government Reform

Analysis available at
<http://www.legislature.mi.gov>

Complete to (2-18-15)

(Enacted as Public Acts 1 and 2 of 2015)

BRIEF SUMMARY: The bills would move the presidential primary from the fourth Tuesday in February to the second Tuesday in March, and during presidential primary years, the "February" regular election would be held on the same day as the March presidential primary election. (For 2016, the election date will be March 8.)

FISCAL IMPACT: There would be no fiscal impact on state or local government as a result of the bills. The administrative costs in moving the primary dates would be minimal to non-existent and absorbed by the department's current funding levels.

THE APPARENT PROBLEM:

The Michigan Bureau of Elections, located within the Department of State, has published an historical outline of Michigan's presidential preference primary, dating to 1912. The mercurial presidential primary disappeared from the statute books for decades at a time—occasionally repealed by the legislature as "ineffective" and a "considerable expense." See **Background Information**, below. Generally, however, the presidential primary election has been a fixture of Michigan's partisan political culture since 1972—the presidential primary held in late winter or spring every four years. A range between 12% and 47% of percent of registered voters (a high of two million; a low of 707,000) has turned out to vote in presidential primaries—a fluctuation likely caused by periodic changes in the national rules of the Democratic and Republican political parties. The presidential primary election costs taxpayers about \$10 million.

In most recent election cycles, Michigan Republicans have selected their preferred presidential candidate during the winter primary election. Indeed, according to committee testimony, nearly one million Republicans voted in the February 2012 presidential primary. In contrast, Democrats have selected their presidential candidate in party caucuses, because their national rules do not recognize the results of "open primaries" that allow crossover voting that could skew the election results.

Michigan's 2016 presidential primary election date is set in statute, as the fourth Tuesday in February; this year that would be February 23, 2016. However, the Republican National Committee has adopted rules that prohibit all states except Iowa, New Hampshire and South Carolina from scheduling presidential primaries or caucuses before March 1, 2016. If a state Republican Party does so, then the number of its delegates allowed to vote at the

national Republican convention will be reduced by 80 percent—in Michigan's case, not 60 voting delegates, but 12.

Legislation was introduced to shift Michigan's presidential primary election date to March 15, 2016, the third Tuesday in March, to comply with Republican National Committee rules. On the House floor, that legislation was amended to shift the election to March 8, 2016, (the second Tuesday in March) instead of March 15 to avoid conflicts with the scheduling of local Boards of Review, when tax issues are heard.

THE CONTENT OF THE BILLS:

The bills would amend the Michigan Election Law to move the presidential primary from the fourth Tuesday in February to the second Tuesday in March. Further, during presidential primary years, the February regular election date would be scheduled on the same March date as the presidential primary election. As a result, in 2016, the presidential primary, and the "February" regular election, will be held on March 8.

The bills are tie-barred, so that neither could go into effect unless both are enacted into law. Each bill specifies that it would take effect 90 days after the date it was enacted into law.

Senate Bill 44 would amend the Michigan Election Law (MCL 168.613a) to require that a statewide presidential primary election be conducted on the second Tuesday in March, instead of the fourth Tuesday in February, in each presidential election year.

Senate Bill 45 would amend the Michigan Election Law (MCL 168.641) to move the February regular election date from the fourth Tuesday in February to the second Tuesday in March in each presidential election year when a statewide presidential primary was held.

HOUSE ACTION:

The House Elections Committee reported out the Senate-passed versions of Senate Bill 44 and Senate Bill 45 without amendments. However, on the House Floor, both bills were amended to change the date of the 2016 presidential primary to March 8, instead of March 15, as the Senate proposed. The House made the change to avoid a conflict with local boards of review which, by statute, meet on March 15, 2016. See ***Background Information***, below.

BACKGROUND INFORMATION:

Department of State History of Presidential Primaries

To read 16-page publication entitled "Michigan Presidential Primary Facts and Statistics" published by the Michigan Department of State Bureau of Elections, visit the following website: https://www.michigan.gov/documents/MichPresPrimRefGuide_20863_7.pdf

2016 Boards of Review Meeting Dates

A spokesperson for the Michigan Townships Association (which has no official position on the bills themselves) has noted that a March 15, 2016, presidential primary election could conflict with the annual March 14, 2016, meetings of local government Boards of

Review. Boards of Review meet to hear taxpayers' complaints about their property tax assessments—sometimes attracting scores or even hundreds of local taxpayers. The pertinent provisions of the state statute (a section of the General Property Tax Act found at MCL 211.30) reads as follows:

(1) Except as otherwise provided in subsection (2), the board of review shall meet on the second Monday in March.

(2) The governing body of the city or township may authorize, by adoption of an ordinance or resolution, alternative starting dates in March when the board of review shall initially meet, which alternative starting dates shall be the Tuesday or Wednesday following the second Monday of March.

(3) The first meeting of the board of review shall start not earlier than 9 a.m. and not later than 3 p.m. and last for not less than 6 hours. The board of review shall also meet for not less than 6 hours during the remainder of that week. Persons or their agents who have appeared to file a protest before the board of review at a scheduled meeting or at a scheduled appointment shall be afforded an opportunity to be heard by the board of review. The board of review shall schedule a final meeting after the board of review makes a change in the assessed value or tentative taxable value of property, adds property to the assessment roll, or exempts personal property under Section 9m, 9n, or 9o and removes it from the assessment roll. The board of review shall hold at least 3 hours of its required sessions for review of assessment rolls during the week of the second Monday in March after 6 p.m.

(4) A board of review shall meet a total of at least 12 hours during the week beginning the second Monday in March to hear protests. At the request of a person whose property is assessed on the assessment roll or of his or her agent, and if sufficient cause is shown, the board of review shall correct the assessed value or tentative taxable value of the property in a manner that will make the valuation of the property relatively just and proper under this act.

ARGUMENTS:

For:

Proponents of the bills say a presidential primary election on March 8, 2016, instead of on March 15 is necessary, in order to avoid a scheduling conflict with local Boards of Review which, by statute, must convene to hear property tax assessment complaints on March 15, 2016. See **Background Information**, above.

For:

Those in favor of the bills say that presidential primaries are important for democracy. To participate in the 2016 primary, all Republican presidential candidates will campaign in Michigan. Their travel to, and speeches within, our state will heighten our citizens' awareness of the social and economic causes that underlie Michigan's and the nation's public problems, and the ways national programs can mitigate those problems. Indeed, the March 8, 2016, presidential primary is likely to attract one million voters to the polls, enabling many citizens to convey their presidential preference to the delegates who will attend the Republican National Convention to be held at the Quicken Loans Arena in Cleveland, Ohio over July 18-21, 2016.

Against:

Opponents of the bills argue the \$10 million presidential primary is too costly, and should be replaced by Republican and Democratic caucuses or conventions, paid for by the political parties instead of all taxpayers.

Response:

Proponents of the bills say the \$10 million is well spent, because it is used to elect the next "leader of the free world"—an election whose import is so great, all Michigan voters should be able to participate. The presidential primary attracts millions of voters, while a political party's caucus attracts only thousands.

POSITIONS:

A spokesman for the Michigan Republican Party testified in support of the Senate-passed version of the bill. (2-17-15)

The Michigan Department of State is neutral on the bill. (2-17-15)

The Michigan Townships Association has no position on the bill. (2-17-15)

Legislative Analyst: J. Hunault
Fiscal Analyst: Perry Zielak

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