This revised analysis replaces the analysis dated 6-3-99.

House
Legislative
Analysis
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EARLIER PRESIDENTIAL PRIMARY

Senate Bill 51 as passed by the Senate
Revised First Analysis (7-1-99)

Sponsor: Sen. Ken Sikkema
House Committee: Constitutional Law and Ethics (discharged)
Senate Committee: Government Operations

THE APPARENT PROBLEM:

For the 2000 presidential election, many state Republicans and Democrats agree that they wish for Michigan electors to have a bigger impact on the nominating process. The two major political parties select delegates to their national conventions that select their presidential candidates. How delegates are selected is typically a matter dealt with in state election law, but where party rules conflict with state law, generally speaking, the party rules take precedence. Michigan law has been changed several times in recent history with regard to the form of the presidential primary. Most recently, between 1988 and 1995, Michigan held a "closed" primary, described as such because the election law required that voters declare a party preference at least 30 days before the primary and specified that they could only vote in the primary of that party. Public Act 87 of 1995 eliminated the party preference requirements, creating an "open" primary. As a result, the Michigan Democratic Party uses a caucus system to select its delegates, as the open primary is contrary to national Democratic Party rules. Republicans select their delegates to the national convention in the Michigan presidential primary.

Michigan Democrats have recently voted to adopt a new caucus plan that challenges the traditional dominance of New Hampshire and Iowa in the presidential selection process. Democrats have set their 2000 caucuses for February 12, ten days before New Hampshire's scheduled primary date of February 22 (though New Hampshire law provides that its primary be held on the second Tuesday in March *or one full week earlier than any other state*), and five days after the scheduled February 7 Iowa caucuses.

Michigan's presidential primary, traditionally held the third Tuesday in March, comes late in the nomination process, so much so that for all practical purposes, the nomination is often decided. In fact, the Detroit News, in an editorial, has labeled the Michigan presidential primary "a $6 million footnote". Legislation has been introduced to move up the date of the presidential primary, so that Michigan Republicans can make their presidential preferences known earlier in the nominating process.

THE CONTENT OF THE BILL:

Senate Bill 51 would amend the Michigan Election Law (MCL 168.613a) to change the date of the statewide presidential primary election from the third Tuesday in March to the fourth Tuesday in February.

HOUSE COMMITTEE ACTION:

Senate Bill 51 was discharged from the House Committee on Constitutional Law and Ethics on June 2, 1999.

BACKGROUND INFORMATION:

Senate Bill 51 is identical to House Bill 4028, which passed the House on June 2, 1999. A companion bill, House Bill 4408, also passed the House; that bill would amend the Michigan Election Law to make corresponding date changes to other provisions of the election law relating to the presidential primary.

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bill would have no fiscal impact on state or local government. (2-19-99)

ARGUMENTS:

For:

By the time Michigan holds its presidential primary in late March, many candidates have dropped out of the contest, and, for all practical purposes, both nominations have often already been decided. Under the bill, Michigan's presidential primary would be ahead of those held in California, New York, and several New England states, as well as ahead of the Western states' primaries, and the "Super Tuesday" primaries of Texas, Florida, and other southern states. As the Detroit News puts it, "(u)nder existing rules, the Michigan primary is a $6 million footnote to these earlier contests". The earlier date would have the effect of bringing more candidates and more campaign dollars into the state. It makes sense to move the state's primary ahead so that Michigan voters have a more important voice in the question of choosing the presidential candidates.

Against:

It should be noted that several other states have moved, or are in the process of moving, their primaries and caucuses forward; at what point will the leapfrogging end? This issue can likely only be rationally decided by some sort of national consensus. Further, critics of "frontloading" the nominating process say that what will be lost will be one-on-one campaigning between candidates and voters, further exacerbating the overwhelming advantage already held by those with millions of dollars for television advertising.

POSITIONS:

There are no positions on the bill at this time.

Analyst: D. Martens

■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.