

# Legislative Analysis



## 2012 PRESIDENTIAL PRIMARY ON FEBRUARY 28

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**Senate Bill 584 (Substitute S-2)**

**Sponsor: Sen. Randy Richardville**

**House Committee: Redistricting and Elections**

**Senate Committee: Local Government and Elections (Discharged)**

**Complete to 9-19-11**

## A SUMMARY OF SENATE BILL 584 (S-2) AS PASSED BY THE SENATE 9-15-11

The bill would provide for a presidential primary in Michigan, to be held on February 28, 2012.

The bill is an amendment to the Michigan Election Law (MCL 168.613a, 168.614a, 168.615a, and 168.759a). The law currently calls for the presidential primary to be conducted on the fourth Tuesday in February in each presidential election year. That date in 2012 is February 28, and the bill does not change that date. The bill's other provisions include the following.

### Voter's Choice of Party Primary

In order to vote in the presidential primary, a voter would have to indicate which political party ballot he or she wished to use. This would be done when appearing at the election on a form prescribed by the secretary of state.

### Record of Party Preference

The secretary of state would have to develop a procedure for city and township clerks to use in order to keep a separate presidential primary record that would contain the printed name, address, and qualified voter file number of each elector, and the political party ballot selected by that elector at the presidential primary election. This information is not exempt from disclosure under the Freedom of Information Act.

In addition, the secretary of state must prescribe procedures for contacting an elector who is an absent uniformed services voter or an overseas voter, and who is eligible to receive an absent voter ballot, or who applied for that ballot, offering the elector the opportunity to select a political party ballot for the presidential primary election.

### Retention and Subsequent Destruction of Party Selection Records

Within 71 days after the presidential primary, the secretary of state would make available to the public a file of the records for each political party in an electronic format. The secretary of state would set a schedule for county, city, and township clerks to submit the data required. Then, after the 22-month federal election records retention period expired, the secretary of state and county, city, and township clerks would be required to destroy the information indicating which political party ballot each voter selected at the presidential primary election.

### Ballot Rotation

Currently the law requires that when printing the presidential primary election ballot, the names of the presidential candidates under each political party heading must be rotated on the ballot. Senate Bill 584 (S-2) would retain this provision but clarify it to require that the names of the presidential candidates be rotated "by precinct."

### List of Presidential Candidates; Put on Internet

The election law requires that the secretary of state issue a list of the individuals identified by the national news media to be potential presidential candidates for each political party's nomination. (This is to be done by 4 p.m. of the second Friday in November of the year before the presidential election -- which will be November 11, 2011, Veterans Day.) Senate Bill 584 would amend the law to require that list be made available to the public on an internet website maintained by the Department of State.

Then, not later than 4 p.m. of the following Tuesday, the state chairs of each political party for which a presidential primary election will be held must file with the secretary of state a list of individuals that he or she considers to be potential presidential candidates. Senate Bill 584 would require that the secretary of state also make these lists available to the public the internet website.

### Notification of Candidates and Candidates' Responses

The secretary of state is responsible for notifying the potential presidential candidates about the state's presidential primary and causing the name of each candidate to be printed on the appropriate political party's presidential primary ballot. A presidential candidate can file an affidavit with the secretary of state to indicate party preference, if it is different from the party preference contained in the secretary of state's notification, and the secretary of state must follow the candidate's preference. Senate Bill 584 would retain this provision. However, the bill adds a provision specifying that if the affidavit of a presidential candidate indicates that the candidate has no political party preference, or the candidate indicates a political party preference for a political party other than a party for which a presidential primary election will be held, then the secretary of state would be prohibited from causing that candidate's name to be printed on a ballot for the presidential primary election.

In addition, the law allows presidential candidates notified by the secretary of state to file an affidavit indicating that they do not wish to have their names printed on the presidential primary ballot. Senate Bill 584 would modify this provision to make the affidavit specifically state that "(Candidate's name) is not a presidential candidate."

## **FISCAL IMPACT:**

Under Senate Bill 584, a presidential primary would be held on February 28, 2012. In PA 63 of 2011, \$10.0 million GF/GP was appropriated to cover the costs associated with the 2012 presidential primary. Most of these funds will reimburse locals for the cost of administering the presidential primary.

The bill would also increase administrative costs for the Secretary of State. The Secretary of State would have to administer and create new voter files that would specify the party the voter affiliates with. Moreover, the Secretary of State would be required to contact those persons eligible to vote through an absentee ballot and offer them the ability to identify with a political party. The records would need to be maintained for the 22-month federal election records retention period and would then need to be destroyed. Finally, the Secretary of State would realize administrative costs associated with listing the potential presidential primary candidates identified by the national news media on their website along with the lists of potential presidential candidates developed by the state chairs of each political party.

Local clerks could experience costs associated with keeping, and submitting to the Secretary of State, separate presidential primary records that would contain the printed name, address, and qualified voter file number of each elector, and the political party ballot selected by that elector at the presidential primary election. Local costs would likely be offset through the presidential primary funding appropriated in PA 63 of 2011.

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■ 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.