

MINOR PARTY PRESIDENTIAL FILING DEADLINE

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House Bill 5082 as introduced

Sponsor: Rep. Leon Drolet

Committee: House Oversight, Elections, and Ethics

First Analysis (2-27-06)

BRIEF SUMMARY: The bill would change the filing deadline for 'minor political party' (or third party) presidential candidates from "no more than one business day after the state convention or national convention," to "not less than 60 days before the general election."

FISCAL IMPACT: The bill would not appear to have any significant fiscal impact.

THE APPARENT PROBLEM:

Currently under the law, every political party must file the name of its presidential candidate with the secretary of state "no more than one business day after the state or national convention."

According to committee testimony, this filing deadline sometimes works a hardship on third parties (such as the Libertarian, Green, and Reform parties), because they do not always convene state conventions. Instead, their presidential candidates are nominated at national conventions held many months before the general election, and generally convened out of state. The head of Michigan's delegation then must return to Michigan the next business day (sometime the next day), in time to file the name of the minor party's presidential nominee with the secretary of state. This was the plight of the Michigan Libertarian party's leader in the last presidential election.

Legislation has been introduced to allow third parties' presidential candidates to file within 60 days of the general election.

THE CONTENT OF THE BILL:

House Bill 5082 would amend the Michigan Election Law (MCL 168.686) to specify a new filing deadline for "minor political party" (or third party) presidential candidates.

Under the bill, in each presidential election year, the state central committee of each minor political party would be required—after its state or national convention, whichever was later, and not less than 60 days before the general election—to forward to the secretary of state the typewritten or printed names of the candidates of that party for the offices of president and vice president of the United States, certified to by the chairperson and secretary of the committees.

Under the bill, "minor political party" would mean that term as defined in section 10 of the Michigan Campaign Finance Act. (See Background Information.)

Currently, the act requires the state central committee of each political party to forward its presidential and vice-presidential candidates to the secretary of state no more than one business day after the state convention or national convention, whichever is later. The current provision would be amended to apply only to "major" political parties.

BACKGROUND INFORMATION:

Under the Michigan Campaign Finance Act:

1) "Major political party" means a political party qualified to have its name listed on the general election ballot whose candidate for governor received 25 percent or more of the popular vote cast in the preceding gubernatorial election. If only one political party received 25 percent or more of the popular vote cast for governor in the preceding gubernatorial election, then the political party with the second highest vote shall be deemed a major party.

(2) "Minor political party" means a political party qualified to have its name listed on the general election ballot but which does not qualify as a major party.

ARGUMENTS:

For:

This bill will help third parties (such as the Libertarian, Green, and Reform political parties) file the names of their presidential candidates with the secretary of state. Currently the law requires the nominee's name be filed on the next business day following his or her nomination. Often the presidential candidates of third parties are nominated at national conventions held out-of-state. Then the head of the Michigan delegation must hasten back to the state in order to submit the paperwork in a timely manner, meeting the filing deadline.

POSITIONS:

The Michigan Association of Municipal Clerks supports the bill. (2-22-06)

The Council of Election Officials supports the bill. (2-22-06)

Legislative Analyst: J. Hunault

■ 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.