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Senate Bill 13 (as enacted)
Sponsor: Senator Jeremy Moss
Senate Committee: Committee of the Whole
House Committee: Elections

PUBLIC ACT 2 of 2023

Date Completed: 7-24-23

RATIONALE

After months of polling, many view the results of the first primaries and caucuses as indicators for the presidential candidate selection process. Accordingly, presidential candidates, the media, and voters focus on the first states in the primary and caucus cycle: Iowa and New Hampshire. Some believe that participants in the Iowa caucuses and the New Hampshire primary exercise an outsized influence on the nomination process, claiming that Iowa and New Hampshire do not represent the United States as a whole and so should not play such an important role.

According to U.S. Census data, 89.9% of Iowa is white, while 92.6% of New Hampshire is white, compared to the national average of 75.5%. Additionally, both are largely rural. In 2010, the percentage of the total population residing in urban areas in Iowa was 64% and, in New Hampshire, 60.3%, compared to the national average of 80.7%.¹ Michigan, on the other hand, has a more diverse population, with 78.8% of its residents being white, while 74.6% of its population resided in an urban area in 2010.² Accordingly, it was suggested that Michigan, as a more nationally representative State, become one of the first in the primary cycle.

CONTENT

The bill amends the Michigan Election Law to move the presidential primary from the second Tuesday in March to February 27, 2024, and to the fourth Tuesday in February in each presidential election year after 2024.

The bill will take effect on the 91st day after the Legislature adjourns sine die.

MCL 168.613a

PREVIOUS LEGISLATION

(Please note: This section does not provide a comprehensive account of all previous legislative efforts on the relevant subject matter.)

House Bill 4029 is a companion bill to Senate Bill 13.

BACKGROUND

In the United States, there are two major parties: the Democratic Party and the Republican Party. During the course of a presidential election, each party fields a single candidate for the

¹ "Urban Percentage of the Population for States, Historical", Iowa Community Indicators Program, Iowa State University. Retrieved on 7-13-23.

² *Id.*

office; however, many individuals desire the party nomination. The primary and caucus process helps eliminate extraneous candidates.

The process begins January/February of each presidential election year. Currently beginning with Iowa and New Hampshire, each state holds a primary or caucus. Primaries are elections held by state or local governments, in which participants vote for their preferred candidate on a secrecy ballot. Primaries may be closed, wherein a voter must be a registered party member to participate in the primary. Michigan, in addition to several other states, has an open primary, wherein voters may choose which party's ballot to vote. Caucuses, on the other hand, are private meetings run by political parties at the county, district, or precinct level. During these meetings, participants form groups and try to convince undecided voters to support their candidate. Like primaries, caucuses may be open or closed.

State delegates to each party's national conference, the Democratic National Convention (DNC) or Republican National Convention (RNC), are allocated based on the results of a primary or caucus. At the DNC or RNC, pledged delegates endorse the candidate assigned to them based on the state's primary or caucus results. In addition, each state sends unpledged delegates, also called superdelegates, who decide which candidate to endorse at the conference. The candidate with the most support at each conference wins the party nomination. After selecting a vice-presidential candidate, the official party candidates enter the general election.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Michigan, as a more diverse State than other traditional early primary states, should have one of the first primaries in the election cycle. Some consider performance during the first primaries as an important indicator of future success in the election cycle. The first few primaries set the tone for the rest of the election cycle, often, though not always, establishing nomination frontrunners. As such, voters in Iowa, New Hampshire, South Carolina, Nevada, and the other traditional early primary states play a larger role in selecting nominees than voters in later primaries, whose decisions may be a foregone conclusion. Michigan should be one of these key states. It has a larger, more diverse electorate than other, traditionally early primary states. It has a more complex economy and more competitive politics. Additionally, the State combines urban, suburban, and rural areas, providing a microcosm of the country at large. As an early primary state, presidential candidates will have to campaign in both large cities, like Detroit, and in rural areas, like the Upper Peninsula. Overall, Michigan's diversity represents that of the United States more than other traditional early primary states, better suiting it to represent the country in deciding presidential nominations.

Supporting Argument

Becoming one of the first states in the election cycle to hold a primary will benefit Michigan politically and economically. Candidates often focus their campaigns on these first few states, bringing staff, consultants, and media attention with them as they touch down in Iowa, New Hampshire, or South Carolina to gain support. Candidates may address issues important and unique to these states, such as ethanol production in Iowa, to gain an advantage at the polls. Becoming one of these key states will raise Michigan's national profile, bringing attention to important issues such as manufacturing and the preservation of the Great Lakes. Additionally, the influx of candidates, campaign staffers, and media personnel will benefit the State economically due to the increased need for hotels, restaurants, event centers, and transportation. Michigan deserves to benefit from the attention and focus created by an early primary.

Response: Though candidates and the media will certainly focus on Michigan, the State may not derive any tangible benefits from an early primary. Candidates may make promises on the campaign trail, but whether those promises translate into policy while in office is not certain.

Opposing Argument

Moving the date of the Michigan primary may disenfranchise voters. The rules of the RNC prohibit most states, excluding Iowa, New Hampshire, South Carolina, and Nevada, from holding a caucus or primary before March 1.³ Additionally, the RNC's rules cannot be amended after September 30 two years prior to the year in which the next national convention is to be held, in this case September 30, 2022.⁴ As such, if the Legislature adjourned in time for the bill to take effect in 2024, the Michigan Republican Party would be penalized through a significant reduction of delegates to the RNC. According to testimony before the Senate, Michigan Republicans had 72 delegates in 2020 but could have only 13 delegates in 2024. The Democratic National Convention could alter its rules in time for the new date, allowing its supporters to participate in the process to select the Democratic nominee. Primary voters who voted a Republican ballot, however, would have less of a voice in selecting the Republican nominee nationwide.

Response: A statewide primary is not the only method the Republican Party could use to select delegates. For example, the party could hold district caucuses to award delegates without penalty from the national party, leading to a delegation in which all 55 Michigan delegates participated.⁵

Legislative Analyst: Abby Schneider

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco, Jr.

³ Republican National Committee, *The Rules of the Republican Party*, p. 22, April 14, 2022.

⁴ Republican National Committee, *The Rules of the Republican Party*, p. 15-16, April 14, 2022.

⁵ Schuster, Simon, "Michigan GOP plans internal caucuses to pick most presidential primary delegates", *MLIVE*, Jun. 12, 2023.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.