

# Legislative Analysis



## ATTORNEY GENERAL AND SECRETARY OF STATE: SELECT IN AUGUST PARTY PRIMARY

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### House Bill 5915 & House Joint Resolution WW

**Sponsor: Rep. Mark Meadows**

**Committee: Judiciary**

**Complete to 4-12-10**

## A SUMMARY OF HOUSE BILL 5915 AND HOUSE JOINT RESOLUTION WW AS INTRODUCED 3-2-10

Political parties choose their candidates for attorney general and secretary of state at their fall state conventions. They are chosen by the delegates to the convention. Under House Joint Resolution WW and House Bill 5915, candidates for those offices would instead be chosen in the August primary election. They would be chosen by voters in the party primaries.

House Joint Resolution WW would amend Article V, Section 21 of the State Constitution. It would require approval of the voters at the next general election. House Bill 5915 would amend the Michigan Election Law (MCL 168.72 et al.), and is tie-barred to HJR WW, meaning it could only take effect if the constitution is amended. Under the proposed legislation, candidates for attorney general and secretary of state would be selected the same way that candidates for governor are chosen.

[The primary selection process would not apply to a political party whose principal candidate had received less than 5 percent of the total vote cast for all candidates for the office of secretary of state in the most recent state election. Candidates of such a party would be selected, as they are now under the Election Law, by means of caucuses or conventions.]

Under House Bill 5915, candidates would get on the primary ballot by submitting nominating petitions with the State Bureau of Election signed by at least 100 registered resident electors in each of at least one-half of the state's congressional districts. Petitions would be due no later than 4 p.m. (EST) of the 12<sup>th</sup> Tuesday before the August primary. Candidates could withdraw until 4 p.m. (EST) of the 3<sup>rd</sup> day after the last day for filing nominating petitions. The August primary is held on the Tuesday after the first Monday in August before every general November election.

Once nominated, a candidate could not withdraw unless he or she had moved from the state or had become physically unfit. (This does not apply to the withdrawal of a candidate who was nominated without filing a nominating petition and whose name has been written or placed on the ballot of a political party.)

If an individual died after filing nominating petitions, leaving the party without a candidate for attorney general or secretary of state, then the State Central Committee of the appropriate party would select a replacement to appear on the ballot.

**FISCAL IMPACT:**

House Bill 5915 would have a negative fiscal impact on the Department of State. The provisions of the bill would require candidates for Attorney General and Secretary of State to be chosen in the August primary election. Any cost increases would come in the form of increased administrative costs at the state and local level associated with filing nominating petitions and placing the candidates on the ballot. With August primary elections already taking place, there would be no new costs associated with conducting a primary election for the Secretary of State and Attorney General.

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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.