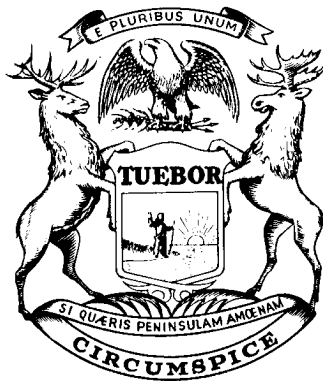


# **Michigan Presidential Primary Facts and Statistics**



**Michigan Department of State  
Bureau of Elections**

**November 2015**

# **MICHIGAN PRESIDENTIAL PRIMARY**

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## **LEGISLATIVE HISTORY**

### **1912**

The legislature enacted Public Act 9 to direct that a presidential preference primary be conducted in the month of April.

### **1931**

The legislature enacted Public Act 200 to repeal the presidential preference primary.

### **1972**

The legislature enacted Public Act 60 to reestablish the presidential primary subject to the following provisions:

- Primary would be held on the third Tuesday in May in presidential election years for each political party that received greater than 5% of the total vote cast nationwide in the last presidential election.
- The Secretary of State would issue a list of individuals generally advocated by the national news media as potential candidates for president. The law also provided that the state political party chairpersons could provide the Secretary of State with a list of individuals whom they consider to be potential presidential nominees for their political party.

The Secretary of State was then required to notify each candidate appearing on the lists who in turn was required to file an affidavit indicating his or her political party preference and willingness to have his or her name appear on the ballot.

Individuals whose names did not appear on either the Secretary of State's or a political party list could qualify as a candidate by filing nominating petitions. The petitions were required to be signed by registered electors equal to at least ½ of 1% of the total vote cast in the previous presidential election for the presidential candidate of the political party of the individual.

In addition to the presidential candidates' names, a space was provided in each party column which allowed voters to vote as "uncommitted."

- In presidential years, delegates to the party's county convention would be elected at the presidential primary rather than at the state primary held in August.

Delegate candidates were required to include on their nominating petition the name of one of the presidential candidates of the same party whose name would be printed on the primary ballot. The name of the presidential candidate to whom the delegate candidate was committed or the word "Uncommitted" was printed under the name of the delegate candidate on the ballot.

If elected, the delegate would be bound to vote at each stage of the nominating process for the individual to whom the delegate was committed. Delegates could be released from their

commitment by written notice or public withdrawal from the race by the presidential candidate.

- Delegates elected to go to the national convention were required to be elected on a basis that would ensure that the proportion of the total delegation would be equal, as near as practicable, to the proportion of the statewide popular vote for “uncommitted” or for each presidential candidate. The determination of these proportions would only be made for those candidates or “uncommitted” which received at least 5% of the vote statewide.
- Reimbursement would be provided to the jurisdictions for conducting the primary on a per precinct formula which was subsequently changed by Public Act 185 to provide for reimbursement of actual costs.

### **1974**

The legislature enacted Public Act 325 to effect the following changes in the laws governing the presidential preference primary:

- Political parties were given the option of electing delegates to their county convention at either the presidential primary or at the regular state primary held in August. As a result of this change, in the years 1976 and 1980, the Democratic Party chose to elect its county convention delegates at the regular August primary rather than the presidential preference primary held in May. For these same years, the Republican Party continued to elect its county convention delegates in May in the same manner as originally established under Public Act 60 of 1972. As a result, under the Democratic Party heading on the ballot, only the names of the presidential candidates and “uncommitted” appeared whereas under the Republican Party heading, in addition to the names of the presidential candidates and “uncommitted,” the names of delegate candidates and their commitments were also printed on the ballot.

### **1983**

The legislature enacted Public Act 181 to repeal the presidential preference primary.

### **1988**

The legislature enacted Public Act 275 to reestablish the presidential preference primary subject to the following provisions:

- Primary would be held on the third Tuesday in March rather than the third Tuesday in May. The primary would still be restricted to political parties that received more than 5% of the total vote cast nationwide in the last presidential election.
- The nomination process used in the previous primaries would continue to be used in the reestablished presidential primary. The Secretary of State would issue a list of persons generally advocated by the national news media as being potential nominees for president. The political parties would also continue to provide a list of individuals whom they consider to be potential nominees of their party.

- The Secretary of State would continue to notify each candidate appearing on the lists who in turn was required to file an affidavit indicating his or her political party preference and willingness to have his or her name appear on the ballot.

As in earlier legislation, an individual whose name did not appear on either the Secretary of State's list or a political party list could qualify as a candidate by filing a nominating petition. The petition was still required to contain signatures of registered electors equal to at least ½ of 1% of the total vote cast in the state at the previous presidential election for the presidential candidate of the political party of the individual. However, the legislature capped the signature requirement at 16,000 by limiting the number of signatures required to 1,000 times the number of congressional districts in the state.

As in earlier primaries, in addition to the presidential candidates' names, a space was provided in each party column which allowed voters to vote as "uncommitted."

- Contrary to the earlier legislation, the legislature did not provide the political parties with the option of electing their delegates to the county convention at the presidential preference primary. As a result, no delegates' names would appear on the presidential preference primary ballot.

Before an individual could be elected by the political party to be a delegate to the state or national convention, the individual was required to file an affidavit designating the name of the presidential candidate he or she was committed to or stating that he or she was "uncommitted." If the individual designated a commitment to a candidate, the presidential candidate or designee would also be required to certify the individual as being committed to the candidate. The affidavit would be required to be filed with designated party officials.

Delegates elected to go to the national convention would, as in previous legislation, be required to be elected on a basis that would ensure that the proportion of the total delegation would equal, as near as practicable, the proportion of the statewide population vote for "uncommitted" or for each presidential candidate. The determination of these proportions would only be made for those candidates or "uncommitted" which received at least 5% of the vote statewide.

Delegates would still be bound to vote at each stage of the nominating process for the individual for whom the delegate was committed. Delegates could be released from their commitment by written notice or public withdrawal from the race by the presidential candidate.

- Provisions were provided for local jurisdictions to be reimbursed for conducting the primary. However, the legislation also stipulated that the local jurisdictions were to file their claims with the state no later than 90 days after the primary and the state was to reimburse within 90 days after receipt of the claims.
- The new law also provided that for the purpose of voting in the presidential preference primary only, a voter would have to declare a political party preference on their registration record at least 30 days before the primary. Provisions were also included to require that

notices of this new requirement appear on applications to register to vote and at polling places at elections conducted prior to the presidential preference primary.

### **1992**

In February, both the Democratic and Republican Party made changes to their respective party rules which had the effect of amending state law.<sup>1</sup> The rules made the following changes:

- Registered voters who had not declared a Democratic or Republican Party preference on their registration record by the close of registration would be eligible to vote a Democratic ballot by declaring in writing at the polls a preference for the Democratic Party.
- Registered voters, regardless of any party preference indicated on their registration record, could vote a Republican ballot on election day by requesting one.

### **1995**

The legislature enacted Public Act 87 to effect the following changes in the laws governing the presidential preference primary:

- The provisions of law requiring the declaration of a party preference in order to be eligible to vote in the presidential preference primary were eliminated.

This action returned Michigan to an “open” primary system whereby a registered voter would be issued the ballots of both parties and the voter would select the party primary in which he or she wished to participate in the privacy of the voting station.

- The potential candidates’ names on the combined lists prepared by the Secretary of State and the political parties would automatically have their names printed on the ballot under the designated party heading unless the named individual filed an affidavit indicating that he or she did not wish to have his or her name printed on the ballot or wished to be printed on the ballot under a different party heading.
- The political party would have the authority to establish the threshold percentage a particular candidate or “uncommitted” would be required to receive in order to be eligible for allocated delegates.

### **1999**

The legislature enacted Public Act 71 and 72 to move the presidential preference primary to the fourth Tuesday in February in presidential election years.

### **2003**

The legislature enacted Public Act 13 to suspend the conduct of the presidential primary in 2004.

### **2007**

The legislature enacted Public Act 52 to effect the following changes in the laws governing the 2008 presidential preference primary:

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<sup>1</sup> Federal courts, in unrelated matters, had previously ruled that party rules superseded state law when the law involved the nomination process of the party.

- The primary would be held on January 15, 2008 for each political party that received 20% or more of the total vote cast in Michigan for the office of president in the previous presidential election.
- The Secretary of State would no longer be obligated to issue a list of potential presidential candidates in advance of the presidential primary.
- The state party chairpersons would be required to release candidate listings no later than the eighteenth Tuesday before the presidential primary (September 11, 2007).
- Candidates named by the state political party chairpersons could withdraw from the presidential primary by 4:00 p.m. on the fourteenth Tuesday before the presidential primary (October 9, 2007).
- Voters who wished to participate in the presidential primary would be required to indicate “in writing” which participating political party ballot they wished to receive. The Secretary of State would be responsible for prescribing a form which voters could use to indicate their party ballot choice and procedures “intended to protect or safeguard the confidentiality of the participating political party ballot selected by an elector.”
- The Secretary of State would be required to “develop a procedure for city and township clerks to use when keeping a separate record at a presidential primary that contains the printed name, address, and qualified voter file number of each elector and the participating political party ballot selected by that elector at the presidential primary.” The Secretary of State would also be required to “set a schedule” for county, city, and township clerks to submit the compiled political party ballot selection information to the Department of State.
- The Secretary of State would be required to forward the compiled political party ballot selection information to the chairperson of each participating political party within 71 days after the presidential primary (March 26, 2008).
- The Secretary of State, county clerks and local clerks would be obligated to “destroy the information indicating which participating political party ballot each elector selected at the presidential primary ... immediately after the expiration of the 22-month federal election records retention period.”
- The “information acquired or in the possession of a public body indicating which participating political party ballot an elector selected at a presidential primary” would be exempt from public disclosure.

## **2011**

The legislature enacted Public Act 163 of 2011, which established the 4<sup>th</sup> Tuesday in February as the date for the presidential primary (February 28, 2012). Public Act 163 also revived the requirement that voters indicate in writing which party’s ballot they wished to vote, but specified that information regarding the voter’s choice of ballot “is *not* exempt from disclosure under the Freedom of Information Act.” Clerks and the Secretary of State were required to destroy information indicating whether the voter selected the Republican or Democratic ballot “immediately after the expiration of the 22-month federal election records retention period.”

Other provisions governing the presidential primary essentially remained the same, including the method of selecting candidates, the requirement to rotate candidates' names on the ballot, the addition of a field in the ballot application and absent voter ballot application by which voters could select in writing which party ballot to receive, canvass and certification of the results, etc.

## **2015**

The legislature enacted Public Acts 1 and 2 of 2015, which changed the date of Michigan's presidential primary to the second Tuesday in March (March 8, 2016). Laws governing the candidate selection method, preparation of separate ballots for each political party, and so on, remained the same.

## **MICHIGAN PRESIDENTIAL PRIMARY**

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### **PREVIOUS ELECTION RESULTS**

#### **FEBRUARY 28, 2012**

|                                 |                |
|---------------------------------|----------------|
| Michele Bachman, Republican     | 1,735          |
| Herman Cain, Republican         | 1,211          |
| Newt Gingrich, Republican       | 65,027         |
| Jon Huntsman, Republican        | 1,674          |
| Gary Johnson, Republican        | 458            |
| Fred Karger, Republican         | 1,180          |
| Ron Paul, Republican            | 115,911        |
| Rick Perry, Republican          | 1,816          |
| Buddy Roemer, Republican        | 1,784          |
| <b>Mitt Romney, Republican</b>  | <b>409,522</b> |
| Rick Santorum, Republican       | 377,372        |
| Uncommitted, Republican         | 18,809         |
| <b>Barack Obama, Democratic</b> | <b>174,054</b> |
| Uncommitted, Democratic         | 20,833         |

#### **JANUARY 15, 2008**

|                                    |                |
|------------------------------------|----------------|
| Sam Brownback, Republican          | 351            |
| Rudy Giuliani, Republican          | 24,725         |
| Mike Huckabee, Republican          | 139,764        |
| Duncan Hunter, Republican          | 2,819          |
| John McCain, Republican            | 257,985        |
| Ron Paul, Republican               | 54,475         |
| <b>Mitt Romney, Republican</b>     | <b>338,316</b> |
| Tom Tancredo, Republican           | 457            |
| Fred Thompson, Republican          | 32,159         |
| Uncommitted, Republican            | 18,118         |
| <b>Hillary Clinton, Democratic</b> | <b>328,309</b> |
| Chris Dodd, Democratic             | 3,845          |
| Mike Gravel, Democratic            | 2,361          |
| Dennis Kucinich, Democratic        | 21,715         |
| Uncommitted, Democratic            | 238,168        |



**FEBRUARY 22, 2000**

|                                      |                |
|--------------------------------------|----------------|
| Gary Bauer, Republican               | 2,733          |
| George Bush, Republican              | 549,665        |
| Steve Forbes, Republican             | 4,894          |
| Orrin Hatch, Republican              | 905            |
| Alan Keyes, Republican               | 59,032         |
| <b>John McCain, Republican</b>       | <b>650,805</b> |
| Joe Schriener (Write-In), Republican | 22             |
| Uncommitted, Republican              | 8,714          |

|  |               |
|--|---------------|
| <b>Lyndon LaRouche, Jr, Democratic</b> | <b>13,195</b> |
| Uncommitted, Democratic                | 31,655        |

|                             |              |
|-----------------------------|--------------|
| <b>Donald Trump, Reform</b> | <b>2,164</b> |
| Uncommitted, Reform         | 948          |

**MARCH 19, 1996**

|                                 |                |
|---------------------------------|----------------|
| Lamar Alexander, Republican     | 7,631          |
| Patrick Buchanan, Republican    | 177,562        |
| <b>Bob Dole, Republican</b>     | <b>265,425</b> |
| Robert Dornan, Republican       | 1,723          |
| Steve Forbes, Republican        | 26,610         |
| Phil Gramm, Republican          | 1,755          |
| Alan Keyes, Republican          | 15,995         |
| Richard Lugar, Republican       | 2,175          |
| Maurice Taylor, Republican      | 1,018          |
| Uncommitted, Republican         | 23,109         |
| Scattered Write-Ins, Republican | 1,158          |

|                                 |         |
|---------------------------------|---------|
| Uncommitted, Democratic         | 123,109 |
| Scattered Write-Ins, Democratic | 1,158   |

## MARCH 17, 1992

|                                  |                |
|----------------------------------|----------------|
| Edmund Brown, Jr., Democratic    | 151,400        |
| <b>Bill Clinton, Democratic</b>  | <b>297,280</b> |
| Tom Harkin, Democratic           | 6,265          |
| Bob Kerrey, Democratic           | 3,219          |
| Lyndon LaRouche, Jr., Democratic | 2,049          |
| Paul Tsongas, Democratic         | 97,017         |
| Uncommitted, Democratic          | 27,836         |
| Scattered Write-Ins, Democratic  | 906            |
| <br>                             |                |
| Patrick Buchanan, Republican     | 112,122        |
| <b>George Bush, Republican</b>   | <b>301,948</b> |
| David Duke, Republican           | 10,688         |
| Uncommitted, Republican          | 23,809         |
| Scattered Write-Ins, Republican  | 566            |

## MAY 20, 1980

|                                  |                |
|----------------------------------|----------------|
| <b>Edmund Brown, Democratic</b>  | <b>23,043</b>  |
| Lyndon LaRouche, Jr., Democratic | 8,948          |
| Uncommitted, Democratic          | 36,385         |
| Scattered Write-Ins, Democratic  | 10,048         |
| <br>                             |                |
| John Anderson, Republican        | 48,947         |
| <b>George Bush, Republican</b>   | <b>341,998</b> |
| Benjamin Fernandez, Republican   | 2,248          |
| Ronald Reagan, Republican        | 189,184        |
| Harold Stassen, Republican       | 1,938          |
| Uncommitted, Republican          | 10,265         |
| Scattered Write-Ins, Republican  | 596            |

**MAY 18, 1976**

|                                 |                |
|---------------------------------|----------------|
| <b>Jimmy Carter, Democratic</b> | <b>307,559</b> |
| Fred R. Harris, Democratic      | 4,081          |
| Henry M. Jackson, Democratic    | 10,332         |
| Ellen McCormack, Democratic     | 7,623          |
| R. Sargent Shriver, Democratic  | 5,738          |
| Morris K. Udall, Democratic     | 305,134        |
| George C. Wallace, Democratic   | 49,204         |
| Uncommitted, Democratic         | 15,853         |
| Scattered Write-Ins, Democratic | 3,142          |
| <br>                            |                |
| <b>Gerald Ford, Republican</b>  | <b>690,180</b> |
| Ronald Reagan, Republican       | 364,052        |
| Uncommitted, Republican         | 8,473          |
| Scattered Write-Ins, Republican | 109            |

**MAY 16, 1972**

|   |                |
|---|----------------|
| Shirley Chisholm, Democratic              | 44,090         |
| Vance Hartke, Democratic                  | 2,862          |
| Hubert H. Humphrey, Democratic            | 249,798        |
| Henry M. Jackson, Democratic              | 6,938          |
| George S. McGovern, Democratic            | 425,694        |
| Edmund S. Muskie, Democratic              | 38,701         |
| <b>George C. Wallace, Democratic</b>      | <b>809,239</b> |
| Uncommitted, Democratic                   | 10,700         |
| Scattered Write-Ins, Democratic           | 51             |
| <br>                                      |                |
| Paul N. McCloskey, Republican             | 9,691          |
| <b>Richard Nixon, Republican</b>          | <b>321,652</b> |
| Uncommitted, Republican                   | 5,370          |
| Scattered Write-Ins, Republican           | 30             |
| Scattered Write-Ins, American Independent | 36             |
| Uncommitted, American Independent         | 9,505          |

## **APRIL 2, 1928**

|                                    |                |
|------------------------------------|----------------|
| <b>Herbert Hoover, Republican</b>  | <b>282,809</b> |
| Calvin Coolidge, Republican        | 1,666          |
| Charles G. Dawes, Republican       | 1,165          |
| Frank O. Lowden, Republican        | 5,349          |
| <b>Alfred E. Smith, Democratic</b> | <b>77,276</b>  |
| James A. Reed, Democratic          | 324            |
| Thomas J. Walsh, Democratic        | 1,034          |

## **APRIL 7, 1924**

|                                    |                |
|------------------------------------|----------------|
| <b>Calvin Coolidge, Republican</b> | <b>236,191</b> |
| Hiram W. Johnson, Republican       | 103,739        |
| William G. Simpson, Republican     | 10,268         |
| Woodbridge N. Ferris, Democratic   | 42,028         |
| <b>Henry Ford, Democratic</b>      | <b>48,567</b>  |

## **APRIL 5, 1920**

|                                     |                |
|-------------------------------------|----------------|
| Herbert C. Hoover, Republican       | 52,503         |
| <b>Hiram W. Johnson, Republican</b> | <b>156,939</b> |
| Frank O. Lowden, Republican         | 62,418         |
| John J. Pershing, Republican        | 17,971         |
| Miles Poindexter, Republican        | 2,662          |
| William G. Simpson, Republican      | 3,857          |
| Leonard Wood, Republican            | 112,568        |
| William Jennings Bryant, Democratic | 17,954         |
| Edward I. Edwards, Democratic       | 16,642         |
| <b>Herbert Hoover, Democratic</b>   | <b>24,046</b>  |
| William Gibbs McAdoo, Democratic    | 18,665         |
| A. Mitchell Palmer, Democratic      | 11,187         |
| <b>Eugene V. Debs, Socialist</b>    | <b>5,310</b>   |

**APRIL 16, 1916**

|   |               |
|---|---------------|
| <b>Henry Ford, Republican</b>                   | <b>83,057</b> |
| William G. Simpson, Republican                  | 14,365        |
| William Alden Smith, Republican                 | 77,872        |
| <b>Woodrow Wilson, Democratic</b>               | <b>84,972</b> |
| <b>Theodore Roosevelt, National Progressive</b> | <b>383</b>    |
| <b>Allen Benson, Socialist</b>                  | <b>62</b>     |
| <b>William P.F. Ferguson, Prohibition</b>       | <b>2,768</b>  |

## MICHIGAN PRESIDENTIAL PRIMARY

### REGISTRATION AND VOTING STATISTICS

| Year              | Number Voting | Number Registered | Voting Age Population | % Registered | Turnout % VAP | Turnout % Registered |
|-------------------|---------------|-------------------|-----------------------|--------------|---------------|----------------------|
| 1972 <sup>1</sup> | 1,934,357     | 4,152,859         | 5,874,000             | 70.7         | 32.9          | 46.6                 |
| 1976 <sup>2</sup> | 1,771,486     | 4,457,336         | 6,268,000             | 71.1         | 28.3          | 39.7                 |
| 1980 <sup>3</sup> | 707,357       | 5,201,890         | 6,510,000             | 79.9         | 10.9          | 13.6                 |
| 1992 <sup>2</sup> | 1,057,585     | 5,793,029         | 6,947,000             | 83.4         | 15.2          | 18.3                 |
| 1996 <sup>4</sup> | 745,808       | 6,330,232         | 7,177,000             | 88.2         | 10.4          | 11.8                 |
| 2000 <sup>3</sup> | 1,392,023     | 6,721,947         | 7,358,000             | 91.4         | 18.9          | 20.7                 |
| 2008 <sup>5</sup> | 1,491,261     | 7,141,914         | 7,613,000             | 93.8         | 19.6          | 20.9                 |
| 2012 <sup>2</sup> | 1,216,310     | 7,286,556         | 7,641,000             | 95.4         | 15.9          | 16.7                 |

<sup>1</sup> The following state proposals also appeared on the ballot:

Proposed amendment to the Constitution to allow the legislature to authorize lotteries and to permit the sale of lottery tickets. (Adopted: YES - 1,352,768; NO - 506,788)

Proposed amendment to the Constitution to permit members of the legislature to resign and accept another office to which they have been elected or appointed. (Rejected: YES - 866,593; NO -915,312)

<sup>2</sup> No state proposals appeared on the ballot.

<sup>3</sup> No state proposals appeared on the ballot. Major Democratic Party presidential candidates did not participate due to National Democratic Party rule change which stipulates that results of a presidential primary conducted as an “open” primary are not binding on delegates.

<sup>4</sup> No state proposals appeared on the ballot. No Democratic Party presidential candidates participated due to National Democratic Party rule referenced above.

<sup>5</sup> No state proposals appeared on the ballot. Four Democratic Party presidential candidates withdrew from the primary.

## **MICHIGAN PRESIDENTIAL PRIMARY**

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### **STATE EXPENSES**

By all indications it appears that the expenses associated with the conduct of the presidential preference primaries in 1916, 1920, 1924 and 1928 were assumed by Michigan's cities and townships as no records can be found which document that the state provided any reimbursement.

When the presidential preference primary was reestablished in 1972, the legislature enacted a law stipulating that the local jurisdictions would be reimbursed for any costs associated with the conduct of the primary. The following figures reflect the approximate amounts the state reimbursed the local jurisdictions for conducting the primaries in 1972, 1976, 1980, 1992, 1996, 2000, 2008, and 2012:

|      |                 |
|------|-----------------|
| 1972 | \$ 1,957,000.00 |
| 1976 | \$ 2,385,000.00 |
| 1980 | \$ 3,385,000.00 |
| 1992 | \$ 5,036,000.00 |
| 1996 | \$ 5,065,000.00 |
| 2000 | \$ 6,259,000.00 |
| 2008 | \$ 9,983,000.00 |
| 2012 | \$ 9,898,417.27 |

## MICHIGAN PRESIDENTIAL PRIMARY

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### RELATED FACTS

- It has been reported that the first presidential primary law enacted in 1912 was adopted with the intent of helping Bull Moose candidate Teddy Roosevelt, however, it was passed too late.
- Henry Ford I won the Republican presidential primary in 1916 and the Democratic presidential primary in 1924.
- In 1920, Herbert C. Hoover appeared on the presidential primary ballot for both the Democratic and Republican parties. Mr. Hoover, who eight years later won the Michigan Republican primary and was to become president, won the Democratic primary but finished fourth in the Republican primary.
- In 1924, Hiram Johnson, a Republican Senator from California and President Calvin Coolidge appeared on the Republican ballot. It has been reported that one of President Coolidge's supporters entered the name of a Michigan resident, also by the name of Hiram Johnson, as a Republican candidate. The Michigan Johnson's name was eventually withdrawn as a candidate and Coolidge defeated Johnson by more than 2 - 1.
- In 1931, the legislature repealed the presidential preference primary. Prior to the repeal, a Special Commission on Revision of Election Laws made the following recommendation to Governor Wilber M. Brucker:

“We recommend a repeal of the presidential preferential primary. Since its introduction it has been of doubtful value in determining the wishes of the voters, it has been ineffective, and it has been a considerable expense to the state. Until the state can agree upon some uniform system for the election of delegates to the national nominating conventions, or until there is a national law on the subject, little is to be gained by leaving our present ineffective law on the statute books.”

- In 1968, Governor George Wallace was the American Independent Party candidate for president. As a result, the American Independent Party qualified to appear on the newly established Michigan presidential preference primary.
- In 1972, Governor Wallace was generally advocated by the national news media as a potential candidate for president and his name was included on the list of candidates compiled by the Secretary of State.

The law required that candidates, upon being notified of their inclusion upon the list, were required to file an affidavit specifying the party ballot they desired. Governor Wallace selected the Democratic party ballot. Consequently, the American Independent Party appeared on the ballot without any candidate as no candidate requested to have his or her name printed on the ballot as a candidate of the party.

Newspaper articles written in the days immediately following the 1972 presidential preference primary indicated that a substantial portion of Democratic candidate Wallace's votes were



received from Republican cross-over voters. It was also reported that approximately one-third of the voters in the Democratic primary were Republican cross-overs and that the majority went to Wallace while McGovern received approximately one-third.

- In 1980, John Anderson, after having first filed his affidavit requesting to be a candidate of the Republican party, decided to run as an Independent. Mr. Anderson requested that his name be removed from the ballot and was informed that it was too late. He subsequently filed a lawsuit to have his name removed from the ballot which was denied by the courts and Mr. Anderson's name appeared on the ballot.
- In 1976, the municipal and township clerks filed suit in Ingham County Circuit Court challenging the conduct of the primary on several technical legal grounds. The Circuit Court issued a restraining order preventing any preparation for the primary pending a hearing on the matter. The matter was appealed to the Court of Appeals which ruled that the objections were without merit and lifted the restraining order. The ruling of the Court of Appeals was subsequently upheld by the Supreme Court.
- As the National Democratic Party had adopted rules which did not recognize the results of "open" presidential primary elections, the Michigan Democratic Party asked Democratic candidates not to participate in the 1980 presidential primary. As a result, only Lyndon H. LaRouche, Jr. and Edmund G. Brown, Jr., who appeared on the list issued by the Secretary of State and were considered potential Democratic candidates, filed affidavits requesting that their names be printed on the Democratic ballot. President Jimmy Carter and Edward Kennedy, whose names were also included on the list of potential candidates, declined to participate in the primary.
- For each of the presidential primaries held after the presidential primary was reestablished in 1972, the Democratic party has not added any supplemental names of potential candidates to the list originally issued by the Secretary of State. In 1980, the Republican Party supplemented the original list issued by the Secretary of State with the names of ex-president Gerald Ford, Benjamin Fernandez and Harold Stassen. While Fernandez and Stassen filed the required affidavits to have their names printed on the ballot as candidates of the Republican Party, President Ford declined to participate.
- Lyndon LaRouche, Jr., who appeared on the 1980 presidential preference primary ballot as a candidate of the Democratic party was not included on the list issued by the Secretary of State or added by any party in 1992. Mr. LaRouche filed a lawsuit in the Ingham County Circuit Court and the court subsequently ordered his name to be printed on the 1992 ballot as a candidate of the Democratic Party.
- The 1988 law which reestablished the presidential primary required that it be conducted as a "closed" primary, i.e., only those voters who declared their party preference in advance of the primary were eligible to participate in the primary.
- In 1991, Zolton Ferency filed suit asserting that the provisions of the 1988 law which reestablished the presidential primary were unconstitutional. The Circuit Court agreed with Mr. Ferency that the conduct of the primary as a "closed" primary would be unconstitutional. Additionally, the trial court also declared the provisions of law which required voters to restrict

their voting to candidates of one political party in any partisan primary was unconstitutional. The decision of the Circuit Court was reversed by the Court of Appeals and on appeal the Supreme Court upheld the decision of the Court of Appeals.

- In 1996, the number of votes cast in Michigan for Ross Perot, the Reform Party's candidate for the office of U.S. President, exceeded 5% of the total number of votes cast nationwide for the office of U.S. President. As a result, the Reform Party qualified to appear on Michigan's February 22, 2000 presidential primary ballot. Donald Trump was the only candidate that qualified to appear on the 2000 presidential primary ballot as a Reform Party candidate.
- In 2007, Public Act 52 of 2007, the legislation enacted to move Michigan's 2008 presidential primary to January 15, was challenged in court on State constitutional grounds. *Grebner v. State*, 480 Mich 939 (2007). At issue was whether the law violated Art IV, Sec. 30, of the State Constitution, which stipulates that any "appropriation of public money or public property for local or private purposes" be passed by the State Legislature by a 2/3 vote. Public Act 52, enacted with less than a 2/3 vote, granted the two political parties eligible to participate in the presidential primary exclusive access to the records which showed the ballot choice made by each elector who participated in the primary – information gathered at public expense. After the plaintiffs prevailed at the Circuit Court and Appeals Court levels, the Michigan Supreme Court overturned the lower court rulings in November 2007 opening the way for the conduct of the presidential primary.

Public Act 52 was also challenged in federal court under a separate action brought in 2007. *Green Party of Michigan v. Michigan Secretary of State*. At issue under the federal lawsuit was whether the restriction on the distribution of the ballot choice data violated the U.S. Constitution; the federal court concluded that it did and extended the State the option of opening the data to everyone or to no one (including the two political parties that were eligible to receive the data under the law). In view of the ruling, the State decided to withhold the data to remain consistent with the legislature's intent to shield the ballot choice data from public view. In a subsequent legal challenge to this decision, the Ingham County Circuit Court ruled that the data must be made public. The Michigan Court of Appeals upheld the Circuit Court ruling on appeal.

In March 2008, Practical Political Consulting submitted a FOIA request for the ballot choice data. The Secretary of State denied the request based on three grounds: 1) party preference is not a public record 2) party preference data falls under the privacy exemption and 3) party preference data is exempt under Michigan election law. In the suit that followed, the trial court found in favor of Practical Political Consulting and the Court of Appeals affirmed. *Practical Political Consulting v. Secretary of State*, 287 Mich App 434 (2010).

Controversy also surrounded the January 15 date selected for the conduct of the presidential primary. The Republican National Committee announced that no state could hold a presidential primary prior to February 5, 2008; the Democratic National Committee adopted a similar rule with an exception that permitted four states (Iowa, New Hampshire, Nevada and South Carolina) to hold a presidential primary or caucus before February 5, 2008. As Michigan broke with this rule by setting its presidential primary on January 15, the Democratic Party declared that it would not seat Michigan's delegates while the Republican Party declared that it would not seat half of Michigan's delegates. In the midst of the

controversy, four of the Democratic Party candidates withdrew from the primary (Barack Obama, Joe Biden, John Edwards and Bill Richardson) casting new questions over the viability of Michigan's presidential primary. After a number of legislative attempts to reschedule the presidential primary and force the four Democratic candidates who withdrew to participate, the primary was conducted as originally scheduled on January 15, 2008. Ultimately, the Democratic Party seated all of Michigan's delegates while the Republican Party enforced its announced penalty and seated half of Michigan's delegates.

- In 2012, Gary Johnson, a candidate who was listed as a Republican on the 2012 Presidential Primary ballot, was barred by MCL 168.695 from running as the Libertarian Party's presidential candidate in the November 6, 2012 general election. Mr. Johnson challenged the statute's constitutionality but the U.S. District Court for the Eastern District of Michigan held that he was not entitled to have his name printed on the general election ballot as the Libertarian Party's candidate for President. The U.S. Court of Appeals for the Sixth Circuit and the U.S. Supreme Court denied the Libertarian Party of Michigan's request for an emergency injunction on September 12 and 19, 2012, respectively. *Libertarian Party of Michigan v Johnson*. At the general election, Mr. Johnson ran as a write-in candidate and received 7,774 votes.