

Richard Nixon Presidential Library
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Folder List

<u>Box Number</u>	<u>Folder Number</u>	<u>Document Date</u>	<u>Document Type</u>	<u>Document Description</u>
24	3	04/27/1972	Letter	Howard McCowan to David Wilson, re: Filing expense account in the state of Michigan. 3 pages with attachments.
24	3	09/15/1972	Memo	Dave to Frank DeCosta, Office of the Vice President, re: Michigan ballot proof. 1 page.
24	3	09/15/1972	Memo	John Dean to Noble Melencamp, re: Proof copy of official ballot. 1 page.
24	3	03/14/1972	Letter	Nixon to Richard Austin, re: List of potential Presidential candidates. 7 pages with attachments.
24	3	n.d.	Brochure	Michigan Legislature Enrolled House Bill No. 4901. 7 pages only cover scanned.

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN SECRETARY OF STATE



LANSING
MICHIGAN 48918


April 27, 1972

Mr. David Wilson
110 Executive Office Building
The White House
Washington, D.C. 20000

Dear Mr. Wilson:

In reply to a telephone call received from Mr. Caddy of your office relative to the necessity of a presidential candidate filing an expense account in the state of Michigan for expenses incurred in connection with the presidential primary election, I am enclosing a copy of a letter received from the Attorney General of the state of Michigan for your information.

Sincerely,


Howard A. McCowan
Elections Aide

HAM/emt

Attachment



STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



LEON S. COHAN
Deputy Attorney General

FRANK J. KELLEY
ATTORNEY GENERAL

LANSING
48913

April 7, 1972

Honorable Richard H. Austin
Secretary of State
Treasury Building
Lansing, Michigan 48913

Dear Mr. Austin:

You have requested opinion upon the following questions which will be answered seriatim:

- "1. Does Section 901 et seq of Act 116, P.A. 1954, require an account to be filed by a person whose name appears on the ballot as a presidential candidate in a presidential primary election held in accordance with Act 60, P.A. 1972?"

1954 PA 116, the Michigan election law, § 901, MCLA 168.901; MSA 6.1901, contains the following definitions:

- "1. 'Candidate' shall apply to any person whose name is printed on an official ballot for public office or whose name has been presented for public office, with his consent, for nomination or election;

- "2. 'Political committee' or 'committee' shall apply to every combination of 2 or more persons who shall aid or promote the success or defeat of a candidate, or a political party or principle or measure; and

- "3. 'Public office' shall apply to any national, state, county or city ward, village or township office which is filled by the voters of this state, as well as to the office of presidential elector and United States senator."

APR 10 1972

2. 1.

The election to be held on Tuesday, May 16, 1972 will neither elect nor nominate a candidate of either major political party for the office of President of the United States. In that respect, I differentiate the same from an election at which a candidate for the office of either United States Senator or Congressman will be nominated or elected by Michigan electors. That election will afford the electors an opportunity to designate the candidate of their choice for nomination by their party for President. Delegates to the national convention are required to be selected upon a basis that insures the proportion of the total national convention delegation from Michigan that is uncommitted or committed to each presidential candidate equals as near as is practicable the proportion of the statewide popular vote that was cast as uncommitted or for each respective presidential candidate of the particular political party's total statewide popular vote. National convention delegates are bound to vote for the presidential candidate for whom they designated commitment, if any, when elected until the end of the second ballot at the national convention unless that candidate has previously withdrawn or they have been released. The presidential candidate of each political party is, however, nominated by the delegates at the national convention rather than "by the voters of this state." For that reason, I am of the opinion that § 901 does not require a person whose name appears on the ballot as a presidential candidate to file an account as specified in § 901 et seq.

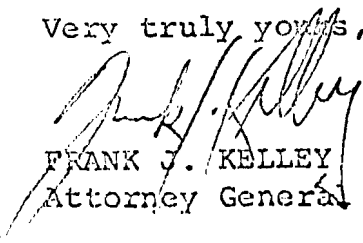
- "2. If your answer to question 1 is in the affirmative, where would such an account be required to be filed?"

Answer to question 1 obviates answer to this question.

- "3. Does Section 901 et seq of Act 116, P.A. 1954, require an account to be filed by chairmen of a political committee aiding or promoting the success or defeat of a person whose name appears on the ballot as a presidential candidate in a presidential primary election held in accordance with Act 60, P.A. 1972?"

Inasmuch as the term "candidate" as used in § 901 et seq does not include candidates at the preferential presidential primary election, it follows that the term "political committee" as used in said sections does not include a political committee aiding or promoting the success or defeat of a person whose name appears on the ballot as a presidential candidate at that election.

Very truly yours,


FRANK J. KELLEY
Attorney General

OFFICE OF THE VICE PRESIDENT
WASHINGTON, D.C.

September 15, 1972

Dave:

Another ballot proof from Michigan. I think that we agree that nothing further is required on these, unless the President's and Vice President's placement on the ballot is incorrect for some reason.




Frank DeCosta

THE WHITE HOUSE
WASHINGTON

Mich

September 15, 1972

MEMORANDUM FOR: NOBLE MELENCAMP
FROM: JOHN DEAN 
SUBJECT: Return Receipt re Michigan Ballot

Section 168.711 of the Michigan Election Code requires that each County Board of Election Commissioners in Michigan send by registered mail, with return receipt demanded, a proof copy of the official ballot to every candidate whose name appears thereon. If the candidate desires to correct the ballot, he must return it to the County Clerk with corrections noted within two days of receipt.

Although the printed form used by County Clerks in Michigan to comply with this provision of Michigan state law is worded so that the candidate's signature should appear on the return receipt, there is no legal requirement that the candidate must personally sign the receipt. Therefore, in order to save the President from the burden of signing each of the receipts sent by the Clerks of every county in Michigan, I shall handle this matter for him. A sample copy of how the return receipt will be signed is attached for your information. I would appreciate your forwarding each of these forms to me as they are received.

Thank you.

AP

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EXECUTIVE

R. Nixon
PL/ST 22
ST 22

March 14, 1972

Dear Secretary Austin:

Thank you for your letter of March 4, in which you notify me that my name is included on the "List of Potential Presidential Candidates for the Presidential Preference Primary, May 16, 1972."

It is with pleasure that I forward to you the attached affidavit stating my party preference and my willingness to have my name printed on the Primary Ballot.

Sincerely,

R. N.

x
Honorable Richard H. Austin
Secretary of State
State of Michigan
Lansing, Michigan 48918

RN:Comm. for the Re-Election of the P:RE:blf

cc: Ray Price *sent*

MAR 18 1972
U.S. DEPT. OF JUSTICE

32

—
Dispatched by
messenger thru
Committee for the
Resolution on
March 14, 1972

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D R A F T L E T T E R

Dear Secretary Austin:

Thank you for your letter of March 4, in which you notify me that my name is included on the "List of Potential Presidential Candidates for the Presidential Preference Primary, May 16, 1972".

It is with pleasure that I forward to ^{you}~~the~~ the attached affidavit stating my party preference and my willingness to have my name printed on the Primary Ballot.


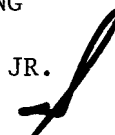
Sincerely,

Richard H. Austin
Secretary of State
Michigan Department of State
Lansing, MI 48918

COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

March 14, 1972

1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D. C. 20006
(202) 333-0920

MEMORANDUM FOR: MR. RAYMOND PRICE 
THROUGH: JEB S. MAGRUDER
HARRY S. FLEMMING
FROM: GLENN J. SEDAM, JR. 

Attached is a draft letter for the President's signature and an affidavit for the President to file in the Presidential Preference Primary in Michigan.

The attached affidavit must be filed with the Michigan Secretary of State not later than 4:00 pm this coming Friday, March 17, 1972.

It is my understanding that Harry Flemming's shop plans to have this hand delivered in Lansing, Michigan: therefore, after the President has signed the letter and executed the affidavit, they should be returned to Harry Flemming for hand delivery.

cc: G. Gordon Liddy



Michigan
Department of State

Lansing, Michigan 48918

RICHARD H. AUSTIN
Secretary of State

March 4, 1972

The President of the United States
The White House
Washington, D. C.

Mr. President:

encl
Appended is a copy of the "List of Potential Presidential Candidates for the Presidential Preference Primary, May 16, 1972".

NM
This notice serves as official notice that your name is included on the list.

Also please find a copy of the text of a letter addressed to you, dated February 28, 1972, which letter served to advise you of actions required by you if you wish to have your name appear on the Michigan Primary Ballot.

Sincerely,

Richard H. Austin
RICHARD H. AUSTIN
SECRETARY OF STATE

RHA/bat

Attachment



LIST OF POTENTIAL CANDIDATES
FOR PRESIDENTIAL PREFERENCE PRIMARY,
MAY 16, 1972

Act 60 of the Public Acts of 1972 provides for a Presidential Preference Primary election in Michigan.

One of the provisions of this act provides that the Secretary of State must on the 1st Friday in March issue a list "of the individuals generally advocated by the national news media to be potential presidential candidates for each party's nomination by the political parties for which a presidential primary will be held . . .".

The parties in Michigan for which a presidential preference primary will be held are:

Democratic
Republican
American Independent.

Pursuant to this directive, I hereby issue the following alphabetical list of potential presidential candidates for the primary of May 16, 1972, each of whom must file an affidavit with this office not later than March 17, 1972, authorizing his name to be included on the ballot and naming the political party under which his name is to be entered.

Congressman John M. Ashbrook
Congresswoman Shirley Chisholm
Senator Vance Hartke
Senator Hubert H. Humphrey
Senator Henry Jackson
Senator Edward Kennedy
Mayor John Lindsay
Senator Eugene McCarthy
Congressman Paul N. McClosky
Senator George McGovern
Congressman Wilbur D. Mills
Senator Edmund Muskie
President Richard M. Nixon
Governor George Wallace
Mayor Sam Yorty.

A handwritten signature in cursive script that reads "Richard H. Austin".

RICHARD H. AUSTIN
SECRETARY OF STATE
Michigan
March 2, 1972





Michigan
Department of State

Lansing, Michigan 48918

RICHARD H. AUSTIN
Secretary of State

February 28, 1972

NM
The President of the United States
The White House
Washington, D. C.

Mr. President:

The Michigan Legislature recently enacted a bill providing for a presidential preference primary to be held in this state on May 16, 1972, (Act 60, Public Acts of 1972).

One of the provisions of this bill requires that I, as Secretary of State, prepare a list containing the names of individuals generally advocated by the national news media to be potential presidential candidates. This list must be issued by March 3, 1972.

A candidate whose name has been placed on the list and who desires to have his name printed on the ballot in Michigan must provide the Secretary of State with an affidavit indicating his party preference and his willingness to have his name printed on the ballot. This affidavit must be filed with the Secretary of State no later than 4 p.m. (EST) March 17, 1972. The name of no candidate will be printed on our ballots unless the affidavit signed by him is received by that date. If an affidavit is filed, the name will appear on the ballot unless a withdrawal is filed with the Secretary of State no later than 4 p.m. (EST) March 17, 1972.

At present I am preparing the required list. It is my plan to include your name on this list. This letter is an indication of my intention to do so, thereby affording you a few extra days in which to file the needed affidavit if you wish to appear on the preferential ballot. Please do not date any such reply prior to March 3.

I have enclosed a copy of Act 60 for your information.

Sincerely,

RICHARD H. AUSTIN
SECRETARY OF STATE

RHA/bat

Enclosure

STATE OF MICHIGAN
76TH LEGISLATURE
REGULAR SESSION OF 1972

Introduced by Reps. Damman and Defebaugh

Reps. Bradley, Brodhead, Thomas H. Brown, Cramton, Del Rio,
Dively, Guastello, Kildee, Mahalak, Mahoney, Mastin, Mro-
zowski, Smart, Smit, Roy Smith, Warner and Davis named as
co-sponsors

Enrolled House Bill No. 4901

AN ACT to amend sections 608 and 744 of Act No. 116 of the Public Acts of 1954, entitled "An act to reorganize, consolidate and add to the election laws; to provide for election officials and prescribe their powers and duties; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to prescribe the penalties therefor; and to repeal certain acts and all other acts inconsistent herewith," being sections 168.608 and 168.744 of the Compiled Laws of 1948; to add sections 562a, 613 to 620, 623a, 624b, 624c, 624d and 624e; and to repeal certain acts and parts of acts.

The People of the State of Michigan enact:

Section 1. Sections 608 and 744 of Act No. 116 of the Public Acts of 1954, being sections 168.608 and 168.744 of the Compiled Laws of 1948, are amended and sections 562a, 613 to 620, 623a, 624b, 624c, 624d and 624e are added to read as follows:

Sec. 562a. In each presidential election year, the delegate ballot shall state that the delegate is uncommitted or shall list the name of the candidate for president of the United States for whom the delegate stated a commitment on his nominating petition pursuant to section 624b. A write-in candidate who is elected pursuant to this act shall be designated as uncommitted. Notwithstanding the provisions of section 626, the names of the candidates for delegates shall be printed on the same ballot and under the same party heading as the candidates for president of that party are printed. Any ballot on which votes are cast under more than 1 party heading is void.

Sec. 608. The board of primary election inspectors shall certify to the county clerk the names of the electors so elected as delegates, naming the political party upon whose ballot such electors were elected and in presidential