



## LEGISLATIVE UPDATES - 2023

**1. Composition of the MI Senate and MI House:** The House is 54 D - 54 R until special elections are held for the two vacancies. Democrats keep control in the House. The Senate is still 20 D–18R.

**2.Special Elections:** The Governor called special elections for a primary and general election to replace the two House members who resigned, State Representative Lori Stone, who previously represented the 13th House District, to mayor of Warren and State Representative Kevin Coleman, who previously represented the 25th House District, to mayor of Westland. The Governor called for a special primary election to be held on Tuesday, January 30, 2024, and the general election to be held on Tuesday, April 16, 2024.

The candidates for District 13 are: Branson Cumbee (R), LaMar Lemmons III (D), Curtis Ostosh (R), Suzanne Ostosh (D), Ronald Singer (R), Mai Xiong (D)

The candidates for the 25<sup>th</sup> District are: Peter Herzberg (D), Melandie Hines (D), Josh Powell (R), Shannon Rochon (D), Andrea Rutkowski (D), Layla Taha (D)

**3. Sine Die Early:** The Legislature adjourned on Tuesday, November 14, for sine die. The legislature will return on the second Wednesday in January 2024, January 10, at noon. The Governor can call a special session at any time but only for consideration of special subjects. Laws that have been enacted that do not have a specific date in the law or were not given immediate effect will take effect on February 13, 2024. Only nine states have full time legislatures.

Note sine die in 2023 only marks the end of the first year of the 2-year legislative session—all the bills that have been introduced in 2023, committee assignments, leadership, etc. continue. All bills die at the end of 2024 as well as the terms for people currently serving in the Michigan House of Representatives. All members of the MI House of Representatives (110) will be up for election in November 2024. Senators have two more years in their 4-year terms. Senators will be up for election in November 2026. The Governor's election also will be in November 2026. (MI Constitution Article IV, Section 13, Section 28)

**4. Redistricting:** *Agee v. Benson* (USWDM Docket No. 22-00272) On March 23, 2022, a group of Michigan voters filed a federal lawsuit against Michigan's Secretary of State and the Michigan Independent Citizens Redistricting Commission (MICRC). *Agee v. Benson* is a federal redistricting litigation case challenging Michigan's state legislative maps for violating Section 2 of the Voting Rights Act (VRA) and the Equal Protection Clause of the Constitution. This challenge concerns the ability of Black voters to elect candidates of their choice. The plaintiffs requested a court order requiring the MICRC to either redraw the districts not in compliance with the VRA and 14th Amendment or to adopt a proposed remedy map. The lawsuit was tried in the Western District of the Federal Court on November 1-3 and 6-8, 2023 in front of a three Judge panel.

On December 21, 2023, Federal District Court issued two opinions, that the Commission used race as the primary factor in drawing the maps for 12 districts and therefore, violated the 14th Amendment (Equal Protection Clause) of U.S. Constitution. Both sides are to submit briefs on how to proceed on January 2. Elections in these districts cannot take place until redrawn and the filing date for candidates is April 23, 2024.

- House District 1: Rep. Tyrone Carter, D-Detroit
- House District 7: Rep. Helena Scott, D-Detroit
- House District 8: Rep. Mike McFall, D-Hazel Park
- House District 10: House Speaker Rep. Joe Tate, D-Detroit
- House District 11: Rep. Veronica Paiz, D-Harper Woods
- House District 12: Rep. Kimberly Edwards, D-Eastpointe
- House District 14: Rep. Donovan McKinney, D-Detroit
- Senate District 1: Sen. Erika Geiss, D-Taylor
- Senate District 3: Sen. Stephanie Chang, D-Detroit
- Senate District 6: Sen. Mary Cavanagh, D-Redford Township
- Senate District 8: Sen. Mallory McMorrow, D-Royal Oak
- Senate District 10: Sen. Paul Wojno, D-Warren
- Senate District 11: Sen. Veronica Klinefelt, D-Eastpointe

The MI Independent Citizens Redistricting Commission met on Thursday, December 28, and no decision was made to appeal the decision. As of January 1, 2024, there are three vacancies in the MICRC with the resignations of Douglas Clark (R), MC Rothorn (D) and Dustin Witjes (D). A drawing to replace the three members will take place on January 3, 2024.

**5. New Department of Lifelong Education, Achievement and Potential:** On July 11, 2023, Governor Whitmer issued an Executive Order 2023-6 effective December 1, 2023, creating the MI Department of Lifelong Education, Achievement and Potential (MiLEAP) that governs childhood education, higher education, and education partnerships. August 8, 2023, the State Board of Education asked the Attorney General for a formal opinion if this violates the separation of powers in the MI Constitution.

**6. Presidential Primary:** Dems voted to move the presidential primary to Feb 27, 2024. The candidates for the Democratic primary are: Joe Biden, Dean Phillips, and Marianne Williamson. The candidates for the Republican primary are: Doug Burgum, Chris Christie, Ron DeSantis, Nikki Haley, Asa Hutchinson, Vivek Ramaswamy and Donald Trump. Republicans are holding a hybrid caucus system. On Feb 27 Republican presidential primary will allocate 16 delegates, and March 2 closed congressional district caucuses will allocate 39 for a total of 55 delegates.

**7. Lawsuit on Promote the Vote 2018 and 2022 (Proposal 2018-3, Proposal 2022-2):** On September 28, 2023, 11 Republicans filed a federal lawsuit in U.S. District Court for the Western District of Michigan to overturn PTV 2018 and 2022. The lawsuit appears to only target state regulation of federal elections, meaning the proposals' effect on state elections would be untouched. The suit was filed by: Senators Jonathan Lindsey (R-Coldwater) and James Runestad (R-White Lake); and Representatives James DeSana (R-Carleton), Rachele Smit (R-Martin), Steve Carra (R-Three Rivers), Joseph Fox (R-Fremont), Matt Maddock (R-Milford), Angela Rigas (R-Caledonia), Josh Schriver (R-Oxford), Neil Friske (R-Petoskey) and Brad Paquette (R-Niles) against SOS Benson and Election Director Brater.

**8. Line 5:** In the case *Bad River Band v Enbridge* filed in U.S. District Court, on June 16, 2023, the Judge ruled Enbridge had to shut down. On July 6, 2023, Enbridge filed an appeal with U.S. Court of Appeals for 6<sup>th</sup> Circuit and it is reviewing the previous court decision. The Army Corps of Engineers is reviewing a request for a permit to begin the tunnel project. Federal advocacy efforts are focused on securing revocation by President Biden of the presidential permit required for Enbridge to operate the Line 5 pipeline. On December 1, 2023, the MI Public Service Commission approved a permit to move Line 5 pipeline into an underground tunnel with conditions.

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**9. Income Tax Lawsuit:** The Mackinac Center and others have filed a lawsuit contending that the income tax rollback from 4.25% to 4.05% is permanent and not for one year. In December 21, MI Court of Claims ruled that the rollback was for one year. *Associated Builders and Contractors et al. v Eubanks*

**10. Right to Life Lawsuit:** *Right to Life v Whitmer* is a federal lawsuit filed 11/8/23 against Governor Gretchen Whitmer and other state officials. It seeks to invalidate Proposal 3 arguing the 2022 ballot proposal created an illegitimate "super-right" to abortion that violates the U.S. Constitution. In federal Western District Court.

**11. Ballot Proposals:** Proposals approved by the Board of Canvassers:

1. Legislative Initiative to expand the Freedom of Information Act to include the executive and legislative branch – circulating petitions
2. Legislative initiative to allow good time credits for prisoners – circulating petitions
3. Legislative initiative to increase the minimum wage – turned in signatures, Board of State Canvassers deadlocked on the decision of whether there were enough valid signatures submitted.
4. Referendum on PA 38 of 2023 – the extreme risk protection order. Circulating petitions

A group is also working on a proposal to repeal the siting law recently passed by the Legislature in the climate change package.

**12. Ranked Choice Voting:** Three cities, East Lansing, Kalamazoo, and Royal Oak, approved ranked choice voting for their local elections on Tuesday, November 7. However, ranked choice voting is banned in Michigan under state law, Home Rule City Act (Act 279 of 1909). The Michigan Legislature would have to amend the Home Rule City Act for ranked choice voting to happen in these cities. Eastpointe implemented ranked-choice voting to fill city council seats in 2019 as part of a settlement in a federal civil rights lawsuit.

**13. Freedom of Information:** Two bills, SB 669 & 670, were introduced on November 9, 2023 that would expand FOIA for the MI Legislature and the Governor's office. The LWVMI Advocacy Committee will review and recommend any action to the state board.

**14. Court Cases about former President Trump:** *LaBrant v. Benson*, *Trump v Benson*, *Davis v Benson* are cases deciding whether former President Trump will be on the ballot. On November 14, 2023, Court of Claims Judge James Redford held for all three cases that the Secretary of State has no authority to decide whether he should remain on the ballot. On December 14, 2023, Court of Appeals rejected challenges to the case. On December 27, 2023, the MI Supreme Court said it would not hear the case.

**15. Financial Disclosure by Elected Officials:** The Michigan House of Representatives and the Michigan Senate passed bills at the beginning of November, as required by passage of Proposal 1 in 2022. SBs 613-616 and SB 374 specify what information must be disclosed for public information and when. The first filing will be on April 15, 2024 for the previous calendar year. The Governor is expected to sign the bills.

**16. SOS Benson Court Case on Voting Rules:** The Secretary of State issued rules in May 2022 that required poll challengers and poll watchers appointed by political parties to obtain credential and be barred from carrying phones or speaking with election inspectors. The rules were challenged in court, *Halloran v. Benson*. On October 17, 2023, the Michigan Court of Appeals ruled the SOS had exceeded her power and not followed proper procedure to implement the rules. The SOS will appeal to the MI Supreme Court.

**17. Open Meetings Act:** On November 16, 2023, the Michigan Court of Claims dismissed the case, *MI Open Carry, et al v MI House of Representatives*. The plaintiffs, Michigan Open Carry and Great Lake

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Gun Rights, alleged that the Open Meetings Act (OMA) had been violated by both state legislative chambers and subdivisions of each, but the Court dismissed every claim. However, Court of Claims Judge James Robert Redford found that the MI House violated the Open Meetings Act by failing to have a clear set of rules that were enforced for outlining who gets to testify in-person and for how long.

**18. "Adopt and Amend" Case:** Arguments in *Mothering Justice v. Attorney General* (MSC Docket No. 165325), known as the "adopt and amend" case, was heard by the MI Supreme Court on December 7, 2023. The case also will decide whether two controversial 2018 initiative petitions can take effect: one that called for raising Michigan's minimum wage to \$12 per hour by 2022 and bringing the tipped minimum wage up to the regular minimum wage and another that mandated paid sick time for workers.

**19. LWVMI Legislative Interviews conducted by local Leagues:** MI House of Representatives Districts (110) completed - 5, 8, 23, 32, 33, 38, 40, 41, 47, 48, 85, 86, 108, 109. MI Senate Districts (38) completed – 13, 14, 15, 19, 31, 37, 38.

**20. Status of Legislation:** An updated list of legislation supported and opposed by LWVMI and its status is available on LWVMI website. Major legislation that passed in 2023 and supported by LWVMI include:

- Climate Change
- Earned Income Tax
- Firearm Safety
- Reproductive Choice
- Voting Rights

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