

Capitol Report

November 19, 2023

By Mary Pollock, AAUW of Michigan Government Relations Coordinator

EARLY ADJOURNMENT

The 102nd Michigan Legislature for the first time since 1963 adjourned for the year before the deer hunting season break and Thanksgiving holiday on November 14, 2023. It did so for two reasons.

First, to have more influence in national presidential politics, the narrow Democratic legislative majority in both chambers passed a law in February 2023 to move up the presidential primary from March 12 to February 27, 2024. But the Republican legislative minority did not provide the extra votes needed to equal the 2/3 votes the Michigan Constitution requires for new laws to have Immediate Effect (IE). New laws without IE go into effect the 91st day after the adjournment of a year's legislature. Therefore, all new laws passed in 2023 without IE will go into effect on the date stated in the new law or February 13, 2024. This includes not only the presidential primary date, but the repeal of outdated anti-abortion laws, the beginning phase-in of retirement tax relief, the increase of the Earned Income Tax Credit for working families, the new gun safety laws, restoration of some labor union rights, the addition of LGBT protections to the state's civil rights law, and the new financial disclosure requirements for some officeholders in compliance with Proposal 2023-1 among other measures.

Second, two House Democrats, Rep. Kevin Coleman (D-Westland) and Rep. Lori Stone (D-Warren), won their mayoral races on November 7 and will be required to resign their House seats, leaving the House evenly divided at 54 Democrats and 54 Republicans. House Rules adopted in January 2023 provide that only if there is a 55-55 split would there be required power sharing. Therefore, Democratic control of the House is continued, and House committees remain composed of Democrat chairs and majorities. The Governor will call special elections for the two House seats and that will likely result in filling the two positions by mid-May. Both districts are heavily Democratic. Meanwhile, passing any legislation in the House will require at least 55 votes and bi-partisan support. Consequently, each legislator is a potential swing vote on every bill.

The Legislature will reconvene by Constitutional mandate at noon on January 10, but the 2024 session schedule has not yet been published.

PROLIFIC 102ND LEGISLATURE

Since the beginning of the 102nd Legislature in January 2023, the Michigan Senate composed of 38 members has introduced 681 bills to amend or create statutes and 104 resolutions. The 110 members of the Michigan House have introduced 1,389 bills and 192 resolutions. I am tracking 664 measures for the AAUW of Michigan related to our [AAUWMI 2023-2025 Public Policy Priorities](#). More detailed information about all bills is available at the legislative Website www.legislature.mi.gov.

Since my August 27 AAUWMI Capitol Report and as of November 7, 2023, Governor Whitmer has signed 79 bills into Public Acts (PA) and 198 total for 2023. Also there are dozens of bills passed in October and November awaiting her consideration. Some highlights of new laws (Public Acts):

- **PA 121, 122, 123, and 126** are more bills to raise the minimum age for marriage to 18 signed on September 18 and 26 with IE. These join **PA 71 – 77** signed July 11 to end child marriage in

Michigan. AAUWMI was part of a large coalition pushing for passage of the bills. AAUWMI was invited to the bill signing in the Governor's ceremonial offices on the second floor of the Capitol.

- **PA 143 and 144** removes from the prohibited subjects of bargaining in public school bargaining agreements contracting out third-party non-instructional support services and automatic dues deduction.
- **PA 145 and 146** will require screening minors for lead poisoning.
- **PA 147** will allow public school employees to return to paid work and collect pension benefits if the retiree retired after a bona fide termination of employment and the retiree had either been retired for six months before returning or earned \$15,100 or less per calendar year.
- **PA 154, 155, and 173** require schools and childcare centers to develop a clean drinking water management plan to assure lead and contaminant-free water for drinking.
- **PA 156** prohibits insurers from denying coverage based on gender, gender identity, or sexual orientation or expression.
- **PA 157 – 163** are intended to codify various provisions of the federal Patient Protection and Affordable Care Act (ACA), including some provisions that have been challenged in federal court. Specifically, a March 2023 federal decision in *Brainwood Management Inc. v Becerra* struck down an ACA provision requiring health insurance to fully cover certain preventive care measures. The new Michigan statutes would also preserve the specified health insurance protections in the event that the federal government repeals parts of the federal law.
- **PA 170** requires equal financial treatment of orally administered, intravenously administered, and injected antineoplastic (anticancer) medication. It also would limit the co-pay or coinsurance for orally administered antineoplastic medication to \$250 per 30-day supply. The bill would apply to health insurance policies delivered, issued for delivery, or renewed in Michigan after December 31, 2025. This will save time and money for cancer victims.
- **PA 177 - 180** is aimed at supporting the victims of crimes by boosting access to support services for survivors of domestic and sexual violence, adding privacy protections, and allowing oral impact statements to be given virtually.
- **PA 182** would allow state funding for tribal domestic and sexual violence shelters and service providers.
- **PA 184** would allow a more streamlined procedure for challenged ballots.
- **PA 185** repeals the law prohibiting hiring of transportation assistance to a polling place.
- **PA 193** allows more time for uniformed service voters to return absentee ballots.

SOME ENROLLED BILLS AWAITING GOVERNOR'S CONSIDERATION

Reproductive Justice bills – A comprehensive Tracking Status Report for AAUW of Michigan, [Status of Reproductive Justice Bills for the Michigan Legislature as of November 12, 2023](#), is available on AAUWMI's Website under Public Policy/Government Relations Coordinator. In summary for 2023,

- 15 reproductive justice bills were signed into law this year including the three early lead bills to repeal 1931 laws criminalizing abortion (HB 4006, 4032, and SB 2).
- 12 bills were enrolled (prepared for the Governor's consideration) in the last days of this year's session and are on their way to the Governor for signature.
 - Among those are the **9 Reproductive Health Act** bills, HBs 4949, 4951, 4953, 4954, 4955, 4956, SBs 474, 476, and 477 repealing many of the laws that anti-abortion lawmakers enacted over the last 40 years.
 - Due to the opposition of one House Democrat, Karen Whitsett of Detroit, the RHA as adopted did not include the bills repealing the 24-hour waiting period or the ban on

Medicaid funding for abortions. Repeal of the parental consent law was not even included in the proposed RHA package of bills.

- Laws such as the 24-hour waiting period, Medicaid funding, and parental consent that may be considered unconstitutional under the 2022 Reproductive Freedom for All constitutional amendment could be subject to a litigation challenge.
- 22 reproductive justice bills have passed the first chamber and are awaiting second chamber consideration.
- 9 bills reported by the first chamber committee are awaiting full first chamber consideration.
- 7 bills have had hearings in first chamber committee, but not yet reported by the committee; and
- 46 bills (some anti-choice) introduced and not yet considered by committee.

Democracy Docket – Democrats have been in a hurry before the 2024 presidential election year to implement by legislation Proposal 2 of 2022 amending Michigan's Constitution that assured a fundamental right to vote and other election measures. Early adoption also gives the Secretary of State and local election clerks plenty of time to learn new systems and make arrangements for the changes. AAUWMI supported many of the bills in committee hearings.

A comprehensive Tracking Status Report for AAUW of Michigan, [Democracy Bills including Elections and Voting Rights, Financial Disclosure, Campaign Finance, Lobbying, Open Meetings/FOIA, and Government Operations/Miscellaneous bills as of November 13, 2023,](#) is available on AAUWMI's Website under Public Policy/Government Relations Coordinator.

In summary for 2023,

- 82 Elections and Voting Rights Bills introduced – 31 signed by the Governor or on their way (enrolled)
- 27 Financial Disclosure bills introduced – 4 on their way to Governor (enrolled)
- 14 Campaign Finance bills introduced – 1 enrolled
- 5 Lobbying bills introduced
- 17 Open Meetings and Government Transparency (FOIA) bills introduced – 1 enrolled
- 8 Government Operations, Miscellaneous bills introduced

Election-related bill/future law highlights - **HB 4569** allows those between ages 16 and 17 and a half years to pre-register to vote while also providing eligibility requirements. **HB 4570** would require the Department of State to provide and maintain an online absent voter ballot application that would allow qualified and registered voters to request an absentee ballot for local elections.

HB 4983 through HB 4986 would require an individual's name, residence, address, date of birth, driver's license or state identification card number and digitized signature be added to the qualified voter file. **SB 590 and SB 591** would set up a legal process for presidential or vice-presidential candidates to contest the certification of elections. Candidates would be able to seek a judicial review by filing a complaint or mandamus in the Supreme Court under the bills, although the certification or determination of election results would not be delayed.

Bills to require political campaigns that use artificial intelligence in their advertisements to disclose that the images are not real are included in **HB 5141 through 5143**. Election intimidation bills, **HB 4129 and 4130**, would make it a crime to intimidate election officials or poll workers.

Bills to implement Proposal 1 of 2022 on lawmaker disclosure – In addition to changing term limits for state representatives and senators from 6 or 8 to 12 years, Ballot Proposal 1 of 2022 amended section 10 of Article IV of the state constitution to require certain state elected officials to file an annual financial disclosure report describing such things as their assets, liabilities, sources of income, gifts from lobbyists, and other positions held. The amended Section 10 requires the legislature to further implement financial disclosure provisions by appropriate legislation that does not limit or restrict how the provisions are applied. If legislation implementing the above provisions has not been enacted by December 31, 2023, any Michigan resident can sue the legislature and the governor in the supreme court to enforce those requirements.

Ten months into the legislative year and after taking off July and August, the Michigan Senate introduced a bipartisan package of bills, SB 613 – 616, on October 24, had a hearing on them the next day, introduced the following week substitute bills based on some of the criticism of the bills as too weak, and passed its version of financial disclosure legislation for elected officials and candidates on November 1.

Two sets of House bills introduced at about the same time competed for passage in that chamber. One set, backed by the Chair of the House Ethics and Oversight Committee, was more extensive than the Senate bills and the other set, backed by the Speaker of the House, mirrored the Senate bills. In the end the House adopted the Senate bills.

The Senate bills don't require reporting for spouses of elected officials beyond disclosing their employer and if they are a registered lobbyist. Maximum optional fines for failing to report or filing a false claim are \$2,000, but there is no criminal penalty for knowingly making a false statement in the report. Also omitted is a requirement to report funding from non-lobbyists for trips, entertainment, and other amenities provided to a lawmaker.

OTHER INTERESTING NEWS

AAUWMI Joins Amicus Brief – The AAUWMI joined the American Civil Liberties Union of Michigan, League of Women Voters of Michigan, National Employment Law Project, and Michigan State AFL-CIO in a Friend of the Court brief in *Mothering Justice v State of Michigan* on appeal to the Michigan Supreme Court with oral argument scheduled for December 6 or 7. The brief was written by attorneys for the AFL-CIO and the ACLU of Michigan.

In 2017, two citizen groups began circulating initiative petitions to enact laws that would significantly benefit Michigan workers. Michigan One Fair Wage circulated a proposal that would, among other things, increase the minimum wage to \$12 per hour for all employees by January 1, 2022, increase the subminimum wage for tipped employees to \$12 per hour by January 1, 2024, and ensure that the minimum wage tracked inflation in the future. Michigan Time To Care circulated a proposal that would, among other things, grant employees one hour of paid sick time for every 30 hours worked. The AAUWMI endorsed both proposals and many members signed the petitions and/or worked to gather signatures.

In September 2018 the Republican majority in the legislature adopted the two voter-initiated laws, in effect keeping the two measures off the November 2018 ballot. After the November election in which voters elected a Democratic Governor and reduced the Republican majority in both chambers, the same legislature in lame duck session gutted both laws by amending them significantly. On minimum wage, the majority in the Legislature delayed the increase to \$12 per hour from 2022 to 2030, meaning that, adjusted for inflation, there would be effectively no increase at all. The majority in the

Legislature also eliminated the provisions that required tipped employees to receive a \$12-per-hour minimum wage and deleted the requirement that minimum wage be adjusted for inflation. On paid sick leave, the majority in the Legislature eliminated businesses with under 50 employees from the law's coverage, slashed the amount of sick time that could be used by employees, dramatically reduced the number of families that were eligible to accrue paid sick time, and eliminated many of the permissible uses of paid sick leave.

Redistricting Challenge - The U.S. District Court for the Western District of Michigan has held hearings in *Ageev. Benson* (USWDM Docket No. 22-00272), a lawsuit brought by the group Black Leadership Matters led by former Rep. Sherry Gay-Dagnogo and several former legislators. The lawsuit alleges the Michigan Independent Citizens Redistricting Commission unlawfully diluted Black and Detroit-centric voting strength and representation in Lansing and Washington, D.C.

Chief Judge Paul Maloney was joined by Judge Janet Neff and Judge Raymond Kethledge on the panel hearing the case. All three judges were appointed to the bench by Republican former President George W. Bush. The panel heard five days of testimony from Commissioners and expert witnesses in November on whether race was a predominating and unlawful discriminatory factor when the Commission drew its political map boundaries for state legislative and Congressional seats in 2021 for Detroit area districts. Post-trial briefs are due December 4 before the panel will issue a ruling.

Ballot Issues Status – **Axe MI Tax**, if approved by voters, would amend the constitution to repeal property taxes, earmark portions of state taxes to local government services, and require two-thirds state legislative supermajority to raise taxes in the future. Most property taxes fund local government services – police, fire, garbage, parks, code enforcement, emergency medical services, 9-1-1 dispatch, county jails, vital records, drains, prosecutors and election operations. There is an 18-mill tax on non-principal residences that goes to schools, as well as local millages to fund school infrastructure, but schools are largely funded by the state sales tax.

The third attempt to raise the minimum wage in Michigan through a voter-initiated law drew a deadlock 2-2 vote to certify the measure for the next step in the process in the Board of State Canvassers recently. **Raise the Wage** petition would increase the state's minimum wage to \$15 an hour. Challengers argued the definition of employer changed between the initial submission and the board's approval of the 100-word summary. Raise the Wage organizers indicated they would be going to court to challenge the deadlock, saying they have been at it 10 years in Michigan and aren't giving up.

Other measures still potentially collecting signatures are petitions to expand the Freedom of Information Act to the Governor's Office and the Legislature; decriminalize medicinal plant/mushroom usage; reducing prison incarceration for good behavior; and repeal of mandatory minimum prison sentences.

Michigan False Elector Scheme Update – In July, 16 Republicans, including the party's former co-chair and its national committeewoman, were charged with felonies by a grand jury for their roles in an alleged false electors' scheme that sought to overturn now-President Joe Biden's 150,000+ vote victory in Michigan's 2020 election and award the state's electoral votes to candidate and then-President Donald Trump. All of them pled not guilty to charges of conspiracy, forgery, uttering and publishing, and election law forgery.

The attorney of accused false elector Amy Facchinello in requesting a transfer of the case from state to federal court said in a September filing that his client was acting at the direction of then-President Trump and other federal officials. On October 19 the Department of Attorney General dropped eight felony charges against Jim Renner, another of the alleged false electors, in exchange for his cooperation in the case. Another accused false elector has stated to the court that that she thought she was simply autographing a sign-in sheet for the meeting about the topic. Various trial dates were set between September 5 and December 15.

Presidential Primary Ballot - Secretary of State Jocelyn Benson recently published the names of three Democrats and seven Republicans who will appear on the February 27 presidential primary ballot. To make the ballot, a candidate need only be generally known to be a candidate for the nomination with a minimum amount of opportunity to compete. The Democratic candidates are President Joe Biden, U.S. Rep. Dean Phillips of Minnesota and author Marianne Williamson. The Republican candidates are North Dakota Governor Doug Burgum, former New Jersey Governor Chris Christie, Florida Governor Ron DeSantis, former South Carolina Governor Nikki Haley, former Arkansas Governor Asa Hutchinson, Vivek Ramaswamy and former President Donald Trump.

In *LaBrant v. Benson* (COC Docket No. 23-000137), plaintiff seeks to bar former President Trump from the Michigan ballot under Section 3 of the 14th Amendment to the U.S. Constitution, which bars persons participating in insurrection from holding state or federal office. Plaintiff argued that Trump's actions on January 6, 2021, constituted engagement in a rebellion and insurrection against the Constitution, for which he took an oath to defend. The Michigan Court of Claims held on November 12 that the question of whether Trump was ineligible to appear on the ballot was a wholly political question and not one for the courts to decide. The decision is being appealed.

Private School Aid - A split 6th U.S. Circuit Court of Appeals panel on November 6 affirmed the dismissal of a lawsuit that sought to eliminate the Michigan Constitution's prohibition on using public funds for nonpublic K-12 schools. In a published opinion written by Judge Jane Branstetter Stranch and joined by Judge John Bush, the panel in *Hile v. Michigan* (USCOA Docket No. 22-1986) ruled that the plaintiff-appellants had standing to bring a remaining political process claim but held Article VIII, Section 2 of the Michigan Constitution did not violate their equal protection rights.

OTC Birth Control Coverage - Nearly half of the members of the U.S. Senate, including both of Michigan's U.S. senators, have asked President Joe Biden's administration to require federally and state-regulated health insurance plans to cover over-the-counter contraceptives without copays or prescription requirements. A total of 48 members of the chamber, including U.S. Sen. Gary Peters (D-Bloomfield Township) and U.S. Sen. Debbie Stabenow (D-Lansing), sent a letter to the secretaries of three federal departments on the topic, the departments of Health and Human Services, Treasury and Labor.

ADVOCACY IS AAUW MISSION

Meet and contact your legislators – Research, education and advocacy are the primary mission and goals of AAUW. Advocacy means taking action on our political knowledge. AAUW is non-partisan, meaning we do not endorse or support candidates for elective public office or political parties. However, we are not values-neutral nor are we passive. We advocate for or oppose legislative or ballot measures based on our values as expressed in the national AAUW and AAUWMI Public Policy Priorities (PPP).

Sign up for your legislator's newsletters and attend their in-district meetings. Contact your legislator by phone or email and let them know you are an AAUW member and what your position is on the bills discussed above.

Find your State House member [here](#).

Find your State Senator [here](#)

Want to be even more powerful? Contact the whole Committee where a bill has been referred.

Find the Committee member information [here](#).

Want to contact the whole Michigan Senate or House? See the **New AAUW directories of the 2023-24 House and Senate** with every legislator's **email address** on the AAUWMI Web site [here](#). Copy and paste all legislators' email addresses from one column into one email. Some email programs have a limit of the number of addresses in one email so you may have to send your message to two or three groups of legislators.

Your voice matters. Legislative staff picking up the call or reading the email for the legislator keep track of what the caller supports or opposes and reports to the legislator what communications are coming in.

The best free source of Michigan legislative information is at www.legislature.mi.gov .

AAUWMI VIRTUAL LOBBY CORPS

The AAUW of Michigan Virtual Lobby Corps has been meeting most months on the **third Thursday of the month at 7 p.m. by Zoom** or teleconference phone to discuss and share federal and state public policy issues of interest to AAUW and report on local branch public policy activities.

The Lobby Corps is open to all AAUW members (and like-minded friends) and meets at [this link](#) or this phone number - 312 626 6799 (toll charges apply), meeting ID: 863 4245 5027; passcode: 574916.

Help us grow our influence by urging other AAUW members to get on the Virtual Lobby Corps mailing list by letting them know of our existence and letting me know of their email address.

The AAUWMI Lobby Corps Facebook private group is where I post breaking news and relevant articles from national and state media almost daily. Please Friend our [Facebook group](#).

Mary Pollock
Government Relations Coordinator
American Association of University Women of Michigan
pollockm@comcast.net
517-351-7292 office/home