



This Week in Lansing

MHSA • Muchmore Harrington Smalley & Associates, LLC

Highlights of the Latest Major Legislative, Administrative and Regulatory Activity in the State Capitol

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HAPPY VETERANS DAY – In observance of Veterans Day tomorrow, MHSA’s office will be closed. We thank all of our veterans and their families for the selfless sacrifices offered to protect our nation.

LEGISLATIVE LEADERSHIP ELECTED BY EACH CAUCUS – Following Tuesday’s election, both *Democrats* and *Republicans* gathered in Lansing today to elect their new legislative leadership.

In the *Senate*, *Senator Winnie Brinks (D-Grand Rapids)* was unanimously elected by her caucus to be *Senate Majority Leader* beginning in 2023. *Senator Brinks* is making history by becoming the first woman to ever assume the role of majority leader. *Senator Stephanie Chang (D-Detroit)* was also in the running for *Senate Majority Leader*, but ultimately did not garner enough support. The other notable position for *Senate Democrats* in leadership is Senator-elect *Sam Singh (D-East Lansing)*, who will be majority floor leader. Over on the *Republican* side, *Senator Aric Nesbitt (R-Lawton)* was elected to be *Senate Minority Leader* by *Senate Republicans*. *Senator Dan Lauwers (R-Brockway)* will be minority floor leader.

In the *House*, *Representative Joe Tate (D-Detroit)* was elected to be *Speaker of the House* beginning in 2023. *Representative Tate* has long been *House Democrats* pick for leading the *Democratic* caucus but faced opposition from *Representatives Julie Brixie (D-Okemos)* and *Felicia Brabec (D-Pittsfield Township)*. *Representative Abraham Aiyash (D-Hamtramck)* will be the *House* majority floor leader. For *House Republicans*, *Representative Matt Hall (R-Marshall)* was elected to be *House Minority Leader*. *Representative Hall* has been the front runner for *House Republican* leader for months. *Representative Bryan Posthumus (R-Cannon Township)* was elected to be *Republican* floor leader.

HISTORIC 2022 MICHIGAN GENERAL ELECTION SECURES SWEEP FOR DEMS – *Michigan Democrats* made history on Tuesday as the party swept the ticket in a midterm election—a first with a *Democratic President* in office. The last time *Democrats* cleaned house in a midterm election was in 1982, but that was when *former Republican President Richard Nixon* was in office. While a unique circumstance in Michigan, one-party control in state government is not rare. Following this election, 40 states are now governed by one party in control of state government, the most in 30 years.

Tuesday’s election saw a record number of Michiganders head to the polls in a midterm election, with unofficial results showing 4,575,645 ballots cast. While an official number needs to be published by the *Secretary of State*, it is estimated over two million of the 4.5 million ballots cast were absentee.

Governor Gretchen Whitmer, *Attorney General Dana Nessel* and *Secretary of State Jocelyn Benson*, were all re-elected to second terms. The biggest surprises of the night however were in the legislature where both the *State Senate*, and the *State House* flipped power. Political pundits had predicted

a “red wave”, instead the state experienced a blue tsunami. Michigan saw higher Democratic turnout than the last midterm election in 2018. **Proposal 2022-3** is largely credited for the record turnout, which drove young voters in particular to the polls. Purported wait times of upwards of five hours were reported on campuses in both Ann Arbor and East Lansing. Pocketbooks issues like the economy, gas prices and inflation all took a back seat to reproductive choice this election cycle.

Democrats also benefitted from low **GOP** turnout. A weak **Republican** top of the ticket and an uncoordinated and splintered state party didn’t help motivate **Republican** voters. While **Democrats** were highly motivated to vote, **Republicans** lack of enthusiasm showed, which carried consequences for **Republicans** lower on the ballot. One factor that remains to be seen, but will come to light in the coming weeks, is how straight ticket voting impacted the election. In 2018, the ability to cast a vote for all **Democrats** or **Republicans** in the partisan section of the ballot was passed. As the **Secretary of State** continues to publish results political junkies are sure to dissect this point.

While reproductive rights motivated the **Democratic** base, **Governor Whitmer** also deserves credit for the massive **Democratic** turnout. **Governor Whitmer** dominated in key areas of the state, securing at least 60 percent of the vote in Marquette, 54 percent of the vote in Kent County, 71 percent of the vote in Wayne County, and 61 percent of the vote in Oakland County. In a surprising result, **Governor Whitmer** also repeated her victory in Macomb County, a bright spot the Republicans had been banking on. Whitmer took the county by a larger margin than in 2018.

Attached is a spreadsheet of the state **Legislature’s** new members. There are two tabs within the document, one for the **Senate** and one for the **House**. To view more detailed data on each election result from the **Secretary of State** webpage, please click [here](#).

ALL THREE BALLOT PROPOSALS PASS WITH EASE – Michigan voters adopted three ballot proposals to amend the **Michigan Constitution** on Tuesday.

Proposal 2022-1 was adopted easily in seemingly every county across the state. Both **Democratic** and **Republican** strongholds supported the amendment, various county clerk offices reported. As passed, **Proposal 2022-1** amends the **Michigan Constitution** to require lawmakers and top state executive officials to file personal financial disclosure reports. Additionally, it changes legislative term limits to an overall total of 12 years, instead of two four-year terms in the **Senate** and three two-year terms in the **House**. **Proposal 2022-1** received roughly 66 percent support from Michigan voters.

Proposal 2022-2 was also overwhelmingly adopted with 59 percent. **Proposal 2022-2** amends the **Michigan Constitution** to allow the right to vote, a nine-day window for early in-person voting, allows voters to show an ID or a signed affidavit to verify their identity, requires pre-paid postage for absentee voter ballots and additional days for absentee ballots overseas to have their ballots returned.

Lastly, **Proposal 2022-3** enshrines abortion and other reproductive rights into the **Michigan Constitution**. The amendment received broad support even in conservative leaning counties. For example, in the Upper Peninsula’s Alger County, **Proposal 2022-3** passed with 2,165 votes in support and 2,065 votes against while **Governor Whitmer** received 1,984 votes. **Proposal 2022-3** was adopted by 56 percent.

DETROIT ELECTION LAWSUIT DISMISSED PRIOR TO ELECTION DAY – On Monday, **Wayne Circuit Judge Timothy Kenny** dismissed a lawsuit from former **Secretary of State** candidate **Kristina Karamo** where she claimed election law violations in Detroit, with no evidence. Specifically, **Ms. Karamo** alleged a plethora of violations and said the harm to the city’s voters would be incalculable if the relief requested was not granted.

Judge Kenny wrote in the opinion that **Ms. Karamo** and her attorneys did not provide evidence in any of the 12 alleged election code violations. The lawsuit filed made wide-ranging allegations of violations in Detroit and challenged drop boxes, signature matching for absentee ballots, absentee vote counting boards, the return of absentee ballots via mail, and more. In addition to unsupported claims by **Ms. Karamo**, the plaintiffs also did not have a set relief request. Originally, **Ms. Karamo** was seeking the court to require the city to only count absentee ballots that were picked up and turned in in-person, despite the broad allowance for absentee voting in the state. However, in an injunction filed last Friday, **Ms. Karamo** and her lawyers changed their relief request to seek an injunction to require the Detroit clerk's office to comply with election law regarding validating signatures on absentee ballots. **Ms. Karamo** also requested injunctive relief for future elections.

Judge Kenny said the request for relief in future elections means there is no present claim before the court and dismissed the lawsuit as moot. As for the specific allegations, **Judge Kenny** noted the court heard from **Chris Thomas**, former Bureau of Elections director and consultant to the Detroit clerk's office, and Detroit Elections Director **Daniel Baxter**, who provided extensive testimony and established that there were no violations. On the contrary, **Judge Kenny** wrote the testimony clarified the implementation of complex sections of the law. **Judge Kenny** went through each claim from **Ms. Karamo** and the other plaintiffs and found no legal basis for relief on any of the allegations.

Ms. Karamo notably lost her race against **Secretary of State Jocelyn Benson** the following day after the lawsuit was dismissed. She has yet to concede the race.

ELECTIONS

- On Tuesday, voters generally supported a variety of property tax increases for local government services and school districts. Overall, 68 percent passed, which is slightly lower than usual.
- **Democrats** on the General Election ballot Tuesday for the **Michigan Board of Education** and University Boards swept all eight seats. **Democrats** maintain the majority on the state **Board of Education** with a 5-2 board. The U-M Board of Regents has a 6-2 Democratic majority, the MSU Board of Trustees a 7-1 Democratic majority and WSU Board of Governors a 6-2 Democratic majority.

ODDS AND ENDS

- Legendary **House Clerk Gary Randall's** tenure will officially end Thursday when the **House** pays tribute to him and votes to elect **Scott Starr** as the new clerk. **Mr. Randall** has been the clerk or assistant clerk of the **House** since the 1997-98 term. He has served as clerk for 20 of the 26 years. Mr. Randall was also a member of the **House** from 1979-96.
- The **House Fiscal Agency (HFA)** in its October revenue report said collections in **Fiscal Year (FY) 2021-22** were \$4.6 billion higher than during **FY 2020-21**. Also, during **FY 2021-22**, the General Fund collections were \$1.6 billion above the projected amount, but several hundred million dollars in refunds are still expected to go out, the **HFA** said. Lastly, the School Aid Fund was \$317.9 million above consensus estimates for the entire fiscal year.

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