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To: Council About Parochiaid
From: Cara Spagnuolo and Ellen Hoekstra
Date: Legislative Report
Re: September 5, 2008

Election Update

The Primary elections are over, paving the way for some hotly-contested races in November. The only big surprise was incumbent Democratic Representative Ted Hammon's (D – Burton) loss to challenger Jim Slezak, who is expected to win easily in the General Election.

In terms of the General Election, some of the most competitive races will include:

District 1: Republican Mary Lang, a CPA, will face Tim Bledsoe, a Wayne State University professor. Bledsoe ran against outgoing Rep. Ed Gaffney and lost by a mere 6%.

District 19: Republican John Walsh, VP of Schoolcraft College, is challenging Democrat Steve King, a Livonia school board member. The seat is being vacated by Rep. John Pastor, and the Democrats are looking to steal this seat from Republican hands.

District 20: Two years ago, Rep. Marc Corriveau (D – Northville) won this seat against all odds and with no support from the Democratic party, which had written the seat off. The Republicans want the seat back and are running former State Rep Jerry Vorva against Corriveau in one of the most contentious races of November.

District 21: Son of term-limited Republican State Rep. Phil LaJoy, Todd LaJoy, will face Dian Slavens in November in a seat the Democrats wish to take from Republican hands, as it is seen as a marginal Republican seat.

District 23: Democrat Deb Kennedy, a local school board member, narrowly beat Gibraltar Mayor Jim Beaubien in the Democratic Primary. She will face Republican attorney Neil DeBlois in the seat being vacated by Rep. Kathleen Law (D – Gibraltar).

District 24: Son of term-limited Republican Rep. Jack Brandenburg (R – Harrison Twp.), Bryan Brandenburg, is being challenged by Democratic Macomb County Commissioner Sarah Roberts. The Republicans feel the seat is safe, but the Democrats, with help from

billionaire John Stryker, feel they can win the seat, given that Sarah's voter outreach won the day for her in a very crowded Democratic primary.

District 25: Rep. Steve Bieda (D – Warren) is vacating his seat, and Democratic candidate John Switalski, nephew of Senator Mickey Switalski, faces former Warren police officer Michael Wiecek in November. The Republicans are watching this seat, which is considered only marginally Democratic.

District 37: In what is considered to be one of the most hotly-contested races, Republican Paul Welday, a political consultant, will do battle with former Democratic Farmington Hills Mayor Vicki Barnett. The seat is currently held by Aldo Vagnozzi (D – Farmington Hills), who took the seat from Republican hands six years ago in what was considered a relatively *safe* Republican seat.

District 39: State Rep. Dave Law (R – Commerce Twp.) vacated this seat one term early to run for Oakland County Prosecutor (he won his Primary on Tuesday). Last term, he won an extremely narrow victory, less than 100 votes, against Democratic challenger Lisa Brown. Lisa Brown is back again after winning her primary to face former school board member and Senate caucus staffer Amy Peterman in November. The Democrats believe they can take the seat, which Republicans have held by very slim majorities in the past.

District 51: Rep. Dave Robertson (R – Grand Blanc) is term-limited, and Democrat Michael Thorp, a journalist, will face Republican Paul Scott, a local attorney. The Democrats tried unsuccessfully to unseat Robertson last term and will try again now that the seat is vacated.

District 56: Freshman Rep. Kate Ebli (D – Monroe) will face Republican Jean Marie Dahm. Her race was one of the most contested last term and will be again.

District 62: Rep. Mike Nofs (R – Battle Creek) is term-limited, and his open seat is being fought over by Democratic Calhoun County Commissioner Kate Segal and Republican Nofs staffer Greg Moore. The Democrats will pay special attention to this seat to put it back into their hands.

District 65: Rep. Mike Simpson (D – Liberty Twp.) took this seat from former Republican Rep. Leslie Mortimer. He will face Blackman Twp. Supervisor Ray Snell in a seat the Republicans will try very hard to win back.

District 91: Rep. Mary Valentine (D – Muskegon) took the seat from Republican Rep. Dave Farhat. Holly Hughes, a Republican National Committeewoman, will mount a very well-funded campaign in this Republican-leaning district.

District 106: Term-limited Rep. Matt Gillard (D – Alpena) leaves his seat up to Republican Presque Isle Twp. Supervisor Peter Pettalia and Democratic former State Rep. Andy Neumann. Neumann formerly represented the area but left one term early to try for the Senate seat now occupied by Senator Tony Stamas (R – Midland), but has worked in Lansing for the past 6 years. This will be an issue as the campaign moves forward.

Candidate Questionnaire 2008 Update

On August 8, CAP sent out its Candidate Questionnaire to the August 5 primary winners. Capitol Services is recording and filing the responses, and once the September 22 deadline has passed all responses will be posted on CAP's website. So far 14 questionnaires have been returned.

Nine candidates oppose, including:

- Vicki Barnett (D) district 37, Farmington Hills
- Julie Candler (D) district 40, Bloomfield Township
- Randy Young (D) district 45, Rochester
- Michael J. Thorp (D) district 51, Goodrich
- Carol Higgins (D), district 59, Mendon
- Mark Meadows (D) district 69, East Lansing
- Jessie Olson (D) district 80, Bangor
- Jeff Mayes (D) district 96, Bay City
- Joel Sheltroun (D) district 103, West Branch

Five candidates support, including:

- Timothy Kachinski (R) district 13, Southgate
- David Micola (R) district 27, Ferndale
- Charles Ybema (R) district 60, Kalamazoo
- Arlan Meekhof (R) district 89, West Olive
- Paul Opsommer (R) district 93, DeWitt

Variance Given to Montessori School

The Court of Appeals ruled that Ann Arbor Township officials must let a Catholic day care use a piece of land next door for a planned faith-based school since the land had been used to house a secular day care.

The case, *Shepherd Montessori Center Milan v. Ann Arbor Township*, was ruled on for a third time with the appellate court emphasizing that the township's zoning board

violated the U.S. Constitution when it didn't recognize the Catholic day care's equal protection guarantee. Because the township failed to give a reason as to why it denied the Shepherd Center a zoning variance but had given one to a previous school-like entity, the Appeals Court held firm that Shepherd should be allowed to be given the variance.

The Supreme Court asked the Appeals Court to again look at the case because the high court questioned the appellate court's interpretation of a second issue. The Appellate Court had ruled that the township's denial was a violation of the Religious Land Use and Institutional Persons Act (RLUIPA).

The Michigan Supreme Court asked the appellate court to read the former's recent decision in *Greater Bible Way Temple of Jackson v. Jackson* in which the Supreme Court sided with the city in its denial of a church's attempt to build an apartment complex across the street from the church because it didn't create a situation where it "coerced" anybody to act contrary to their religious beliefs. The appellate court conceded on this point, but since the state Supreme Court didn't ask the appellate court to take another look at its Equal Protection Clause argument, the ruling that the township must grant Shepherd the variance stands.

State Aid for Shared Time Instruction Signed into Law

SB 836, sponsored by Sen. Gerald Van Woerkom (R-Norton Shores), amends the State School Aid Act to insert a 60 day timeline into the terms under which a district may receive state school aid for a nonpublic school student or home schooled student enrolled in certain curricular offerings provided by the district.

Under this act, a parent or legal guardian of a minor who is enrolled in a nonpublic school within a district, or who is being home schooled but resides in the district may enroll the minor in a curriculum offering that is provided by the district at the nonpublic school site.

State school aid may be provided for a minor under these provisions only if the following conditions are met: the nonpublic school is located, or the nonpublic students is educated, within the geographic boundaries of either the district or a contiguous district operating under a cooperative program for which the district is a member and that is established for the purpose of providing nonessential elective courses to nonpublic students. The instruction must be scheduled during the hours of a regular school day and the instruction must be provided by an employee of the district or of an ISD.

SB 836, now Public Act No. 219, was enacted on July 15, 2008.