

To: Council About Parochiaid
From: Cara Marie Dobie and Courtney VanCamp
Date: December 4, 2020
Re: Legislative Report

Post-Election Briefing

At Stake:

- All 110 seats in the Michigan House (currently 58 R, 52 D);
- All 14 seats in the U.S. House (currently 7 R, 7 D);
- One US Senate seat (currently D);
- Two seats on the Michigan Supreme Court (currently 4-3 majority for Republican-nominated justices), with one open seat and one seat with an incumbent, Chief Justice Bridget McCormack running (a Democratic nominee); and
- A myriad of other state and local elected positions, judicial races, ballot measures.

U.S. Senate (currently both D):

- Democratic Incumbent Gary Peters narrowly edged-out challenger John James to retain his 6-year post

Congress - 14 seats total, current partisan split: 7 R, 7 D

- This election: 2 open seats (US HDs 3 & 10)
- 12 incumbents ran for re-election
- No change in partisan control of open seats (both stayed R)
- Freshman Democratic members Elissa Slotkin and Haley Stevens survived their first challenge
- Fred Upton, set to initially retire and not run again, ran and handily defeated term-limited State House Democratic member John Hoadley in one of the most contested and expensive races in the state
- Partisan split in 2021-2022: 7 R, 7 D

State Senate – 38 seats total, current partisan split: 22 R, 16 D

- The State Senate was *not* up for election this year; however:
- 2 Republican Senators will be vacating their seats 2 years early because they ran and won in their local elections
 - State Senator Pete Lucido (R – Shelby Twp.) won his bid to become Macomb County Prosecutor
 - State Senator Pete MacGregor (R – Cannon Twp.) won his bid to become Kent County Treasurer

- While the partisan split will be 22-16 in favor of Republicans for the rest of this year, January 1, 2021 the split will decrease to 20-16; the Governor is expected to hold special elections in those seats in early 2021

State House - 110 seats total, current session partisan split: 58 R, 52 D

- This election: 24 open seats, one due to the death of State Rep. Isaac Robinson;
- 2 incumbents lost (Rep. Brian Elder to Tim Beson, and Rep. Sheryl Kennedy to David Martin)
- 2 open seats changed hands from R to D (HDs 38 and 61)
- Partisan split in 2021-2022: 58 R, 52 D
- 26 freshmen members in 2021-2022

State Senate - NOT up for election this year, but next session will start with 2 vacancies

- Two state senators ran for and won local elections;
- Sen. Peter MacGregor, District 28, R-Rockford, won the race for Kent County Treasurer;
- Sen. Peter Lucido, District 8, R-Shelby Twp., won the race for Macomb Co. Prosecutor.
- Partisan split at beginning of 2021-2022 session: 20 R, 16 D, 2 vacancies

New House Leadership for the 2019-20 Legislative Session:

- Speaker of the House will be current Speaker Pro Tempore, Rep. Jason Wentworth (R-Clare, district includes Arenac, Clare, Gladwin, Osceola Counties)
 - Speaker-Elect Wentworth's leadership team includes third-term member Ben Frederick (R – Owosso) as Floor Leader, and Pam Hornberger (R – Chesterfield Twp.) as Speaker Pro Tempore
- The House Democratic Leader will be Rep. Donna Lasinski (D-Scio Twp., Washtenaw County)
 - Leader-Elect Lasinski is joined by Yousef Rabhi (D – Ann Arbor), elected for the second time as Minority Floor Leader

State Board of Education 8 seats total, current partisan split: 6 D, 2 R

- This election: two open seats with Democrats Michelle Fecteau and Lupe Ramos-Montigny choosing not to run for election;
- Open seats won by two Democrats Ellen Cogen Lipton and Jason Strayhorn;
- Partisan split in 2021-2022: 6 D, 2 R

Supreme Court – 7 members, technically nonpartisan but current split 4 R, 3 D

- 2 seats up for election, with one open seat and one seat with an incumbent, Chief Justice Bridget McCormack running (a Democratic nominee).
- McCormack won re-election, and Elizabeth Welch (a Democratic nominee) won election.
- Partisan split in 2021-2022: 4 D, 3 R

Statewide Ballot Proposals: Both Approved

Proposal 2020-1 would amend the Constitution to allow additional revenue from oil and gas drillings to fund the maintenance of state parks. Under the proposal, the trust fund would again receive revenues from leases of state lands for the extraction of nonrenewable resources once the Michigan State Parks Endowment Fund hits its principal cap of \$800 million, though the Department of Natural Resources estimates it will take more than 30 years to reach that cap.

(Proposal 2020-1, continued)

Further, the proposal would prevent the Legislature from appropriating more than 50 percent of annual revenue, in addition to the fund's annual interest and earnings, for acquisition and development projects once the trust fund begins to receive those lease revenues. There also will be greater ability to fund development projects. Instead of a cap of 25 percent on such activities, there will be a minimum of 25 percent.

Proposal 2020-2 would amend section 11 of Article 1 of the Constitution. Section 11 deals with unnecessary search and seizure and does not explicitly include electronic devices as a personal protected property. If passed, the amendment would add electronic data to the existing protections against unreasonable search and seizure.

Michigan and the Electoral College*

Despite news coverage, there is really nothing much the Michigan Legislature can do to change the results of a Presidential election, outside of issuing a Resolution (tantamount to a sternly worded letter) about them.

The process:

- In their statewide conventions, the Michigan Democratic and GOP parties each choose 16 Electors; 1 from each Congressional District and 2 “at large.”
- Michigan is a “winner takes all state,” meaning that whichever candidate prevails in the General Election, all of Michigan’s Electors cast their votes for that candidate; more below.
- The Electors are prohibited in statute from being “faithless;” they must vote for the winning candidate and cannot switch, or they will be immediately replaced.
- November 3: General Election.
- November 5: Bipartisan canvasser boards in all of Michigan’s 83 counties meet to review local election results.
- November 17: County canvassing boards certify local results and send to the Michigan Secretary of State.
- The Secretary of State certifies the results by their own check with the Qualified Voter File.

- November 23: Board of State Canvassers, a 4-person body split 2-2 between the parties, meet to review and certify statewide election results. The Board voted 3-1 to certify election results with one member abstaining.
- November 25: Deadline to petition for presidential recount.
- December 8: Congress “safe harbor” date for states to dedicate electors.
- December 14: Electoral College votes in state Legislatures. In Michigan, the final, state-certified results then determine the winner. Assuming the winner is Vice President Biden, the Republican-appointed Electors essentially stay home, and the Democratic Electors cast their 16 votes; vice-versa if the winner is President Trump.

*Sources include [“Four Partisans Must Certify Michigan’s Election. One Makes No Promises”](#) by Jonathan Oosting, Bridge Magazine, November 11, 2020

Critical Shortage

The critical shortage list kept at MDE is, yet again, facing a sunset in July, 2021. As a reminder, instead of eliminating the sunset and 3-year limitation on working, HB 5497, sponsored by Rep. Sheryl Kennedy (D-Davidson) solves the critical shortage issue by simply eliminating the statewide list altogether, and providing the same retirement structure that would allow professionals to come out of retirement without jeopardizing their existing benefit.

The problem now is time. With the legislature cancelling the one remaining session day in November, this leaves just 3 weeks in December to accomplish everything the legislature wants to do.