

# Government Relations Coordinator Report to the AAUW of Michigan Executive Board

April 26, 2018

By Mary Pollock, AAUW of Michigan Government Relations Coordinator

The [2017-19 AAUW Biennial Action Priorities](#) are:

- To support a strong system of **public education** that promotes gender fairness, equity, and diversity;
- To achieve **economic self-sufficiency** for all women;
- To guarantee **equality, individual rights, and social justice** for a diverse society.

This report covers legislative and other news since [my annual report](#) dated March 11, 2018. The Michigan Legislature had its spring break March 22 through April 9. The House and Senate are scheduled to begin their summer break after June 21.

## POLITICAL ACTIVITY OVERVIEW

**Voter Engagement** – AAUW branches and members need to step up voter registration and voter education activities now that we are approaching election season. Getting out the millennial women's vote is AAUW's special role. The last day to register or change voting address for the August 7 primary is July 9 and October 9 is the last day to register or change voting address for the November 6 general election. The national AAUW and AAUW of Michigan Web sites have voter registration and voter education materials available including my Michigan specific **2018 Michigan GOTV Guide**.

**2018 Election Cycle** – April 24 was the filing deadline in Michigan for those who want to run for public office. Candidates have a week to decide to withdraw or their names will appear on the ballot.

Republicans and Democrats had just about the same amount of male candidates filing -- 211 and 221. But Democrats had twice as many women candidates filing -- 155 to 74 for Republicans.

For Governor, Republicans Patrick Colbeck, Brian Calley, Jim Hines, and Bill Schuette have filed. Democrats filing are Gretchen Whitmer, Abdul El-Sayed, and Shri Thanedar. Libertarians filing are Bill Gelineau and John Tatar.

For U.S. Senate, the candidates are Republicans John James and Sandy Pensler and Democrat incumbent Debbie Stabenow.

Over 6,700 Michigan Democrats conducted an "Endorsement Convention" on April 15 and endorsed Dana Nessel to run for Michigan's Attorney General, Jocelyn Benson to run for Secretary of State, and Megan Cavanagh and Sam Bagenstos for the two seats on the Michigan Supreme Court.

The Michigan Democratic Party will have its nominating convention for other state-wide offices on August 25-26 at the Breslin Center in East Lansing on the MSU campus. To vote there, one must be a member of the Michigan Democratic Party 30 days in advance of the convention.

The Michigan Republican Party will have its nominating convention August 25 at the Lansing Center. To vote there, one must be a Republican precinct delegate selected by the voters in the August 7 primary and then elected at county Republican Party conventions in mid-August to be a delegate to the August 25 convention.

**Legislative Races** - For Michigan House races, all 110 seats are up for election and 43 are open seats. Of those, 18 members eligible for re-election are instead deciding to run for the Michigan

Senate. In total, 444 candidates filed for the House, a number boosted by 33 Libertarians running in the primary for the first time.

Democrats currently hold 46 seats in the House with one vacancy in a strong Democratic seat. They need nine seats to gain the majority, which they last lost in the 2010 tea party wave.

For the Michigan Senate, all 38 State Senate seats are up for election. 26 Senators are term limited and cannot run again (19 Rs, 7 Ds). Republicans have held the majority in the Senate for 34 years. Republicans hold a 27-10 majority in the chamber, with one vacancy due to a resignation in a strongly Democratic district. Democrats need to flip nine seats for an outright majority, something last accomplished in 1964. Flipping eight seats plus a Democratic victory in the governor's race to provide a Democratic lieutenant governor to break a tie also would hand Democrats control.

**Congress** - All 14 of Michigan's US Congressional seats are up for election and 3 are open seats in the 9th, 11th and 13th districts. In the 9th, Republican Candius Stearns faces no primary opponent; Martin Brook, Andy Levin, and former Michigan House member Ellen Lipton are competing for the Dem nod.

In the 11th, there is a very crowded primary field. Republicans will see Kristine Bonds, Lena Epstein, Klint Kesto, Mile Kowal and Rocky Raczkowski, and Kerry Bentivolio on the ballot. Dems will see Tim Greimel, Sunee Gupta, Dan Haberman, Fayrouz Saad, Nancy Skinner, Haley Stevens and Leonard Schwartz on the ballot.

In the 13th, voters will fill both the remaining term of U.S. Rep. John Conyers, and to elect a new Member of Congress. For the two-year term, Republican David Dudenhoefer has filed to run in that primary and Democrats Ian Conyers, John Conyers, III, Michael Gilmore, Kimberly Hill Knott, Shanelle Jackson, Brenda Jones, Rashida Tlaib, Bill Wild and Coleman Young II will compete in the Democratic primary. For the partial term, no Republican has filed. Democrats Ian Conyers, John Conyers, III, Michael Gilmore, Brenda Jones, Rashida Tlaib, Mary Waters, Kentiel White, and Bill Wild have filed.

**Ballot Proposals** – The Michigan State Board of Canvassers approved on April 26 the [Coalition to Regulate Marijuana Like Alcohol](#)'s petition to adopt a voter-initiated law that would legalize marijuana possession and consumption for all adults 21 years and older. Under Article II, Section 9 of Michigan's Constitution, the Legislature has 40 session days from receiving a voter-initiated law to enact it without change or amendment or reject it. If rejected or no action is taken, the initiated law goes on the November ballot for voters to decide the matter. Alternatively, the Legislature can propose a different measure on the same subject and both proposals would go on the ballot. Republican House Speaker Tom Leonard announced to the media that there's not enough support for the proposal to be approved in the House to keep it off the ballot even though Republicans fear it will attract young voters to the polls and potentially hurt Republican candidates' chances to win their races.

The Michigan State Board of Canvassers deadlocked along party lines to approve the signatures gathered for an initiated law to repeal Michigan's prevailing wage act. At issue is whether an improper address for the petition circulator invalidates the whole petition sheet, and whether the addresses listed for some circulators were valid residential addresses. Proponents of prevailing wage repeal intend to go to court to pursue their issue.

The Board of Canvassers is still evaluating the redistricting petitions. Other circulating petitions would raise the minimum wage, require earned paid sick leave benefits, put voting rights into the Michigan Constitution, close Line 5 under the Mackinac Bridge, and establish a 30 percent renewable energy standard. The ballot drive to establish a part-time legislature has called it quits.

## PUBLIC EDUCATION

**Public Funding of Private Education** – On April 26, Michigan Court of Claims Judge Cynthia Stephens issued a decision in *Council of Organizations v. State of Michigan* (COC Docket No. 17-000068) barring the state from disbursing the \$2.5 million appropriated in the 2016-17 fiscal year budget to nonpublic schools to compensate them for the cost of complying with state mandates. A consortium of public school groups filed suit, contending the funding violated the 1970-voter approved constitutional amendment, which says, in part, "No public monies or property shall be appropriated or paid or any public credit utilized, by the Legislature or any other political subdivision or agency of the state directly or indirectly to aid or maintain any private, denominational or other nonpublic, pre-elementary, elementary, or secondary school."

**School Safety** – One of the legislative responses to school shootings is a focus on helping schools to improve security for staff and students. The Michigan Senate has voted unanimously for SB 601, a fiscal year 2017-18 supplemental appropriation containing \$18.65 million in General Fund dollars to provide school safety grants. The grants would be handled by the Department of State Police. Similar grants were funded at the \$4 million level in 2015 and \$2 million in 2017. Under the bill the DSP would have to outline eligible and ineligible expenditures for applicants as well as issue guidance and application materials no later than July 1. Grants must be awarded no later than October 31 and the department would be required to report on grant activities by December 31.

In the Michigan House, HBs 5828, 5829, 5830, 5851 and 5852 have been introduced to do a variety of things, including creating a School Safety Commission to identify best practices and work with school liaisons, chosen locally, to evaluate schools for safety measures. The bills would also require certain training for law enforcement and require more reporting on school violence and threats. The bills would require that school buildings built after January 1, 2019 be built with additional, prescribed safety measures. School districts, intermediate school districts, and public school academies would be required to report on prevented attempts or threats of violence either on school grounds or toward a school, school staff, or students. Beginning January 1, 2020, new law enforcement officers would be required to receive active violence response training.

**Weapons in Schools** – The "guns everywhere" bills, SB 584 -586 have seen no attention in recent months, likely awaiting a decision from the Michigan Supreme Court regarding open carry of firearms in two Michigan school districts.

**School Sex Offenders** – On its way to the Governor are House Bills 5530, 5531, and 5532 that would require students convicted or adjudicated guilty in criminal sexual conduct cases be expelled if they attend the same school as the victim. The bills are meant to provide relief to victims of sex crimes so they don't have to come into contact with their assailant in the hallways, classrooms, cafeteria, or school buses. The bills were developed in response to an incident in Brighton Public Schools where a minor boy pleaded guilty to first-degree criminal sexual conduct after raping three girls from the same school. At first it appeared the boy might be reinstated at the school, but the court later ruled against allowing him back in the school. Under the former law, schools were only required to expel a student if they commit criminal sexual conduct on school grounds.

## ECONOMIC SELF-SUFFICIENCY

**Pay Equity** –The 2018 national and Michigan Equal Pay Day in Lansing was held Tuesday, April 10, 2018. Those who attended the morning activities visited the House Committee on Commerce and Trade where the House pay equity bills have been referred. Then participants dispersed to visit Republican House and Senate member offices to deliver folders of information about pay equity and talk to legislators or their staff. Over 25 legislators were visited.

The Equal Pay Rally on the Capitol Steps featured Representatives and Senators in support of our bills. Attorney Deborah Gordon who has two prominent equal pay cases in federal court spoke to rally attendees.

## EQUALITY, INDIVIDUAL RIGHTS, AND SOCIAL JUSTICE

**Nassar Case Response** – The Michigan Senate has passed a bi-partisan package of bills in response to the Nassar revelations to strengthen penalties in sexual assault or abuse cases and eliminate government immunity while lengthening the statute of limitations for criminal and civil cases. AAUW of Michigan put in a card supporting the bills. The Senate bills are:

- SB 871 (O'Brien) Criminal procedure; statute of limitations; statute of limitations for certain criminal sexual conduct violations; modify.
- SB 872 (Knezek) Civil procedure; statute of limitations; statute of limitations for criminal sexual conduct violations; extend retroactively, and add grace period for minor victims of criminal sexual conduct.
- SB 873 (O'Brien) Children; protection; mandatory reporting requirements for child abuse or child neglect; expand to include K-12 coaches and volunteers.
- SB 874 (Jones) Children; child abuse or child neglect; failure to report suspected child abuse or neglect; increase penalties.
- SB 875 (O'Brien) Courts; other; court of claims; notice of intention and certain procedures in cases involving minor claimants; modify.
- SB 876 (Horn) Courts; other; court of claims; statute of limitation in certain types of cases involving minor claimants; modify.
- SB 877 (Knollenberg) Torts; governmental immunity; sexual misconduct by a governmental employee; exclude from governmental immunity.
- SB 878 (Hertel) Crimes; penalties; crime of aggravated possession of child sexually abusive material; provide increased penalty.
- SB 879 (O'Brien) Criminal procedure; sentencing guidelines; sentencing guidelines for crime of aggravated possession of child sexually abusive material; provide for.
- SB 880 (Jones) Criminal procedure; sentencing guidelines; penalty for not reporting child abuse; increase.

Meanwhile, the House Law and Justice Committee has had 4 full hearings at this writing with more hearings and votes planned for the coming weeks on 24 House Bills and the Senate bills.

Testimony from the Department of Health and Human Services projected that if Michigan saw a 40 percent increase in child abuse and neglect complaints after expanding mandatory reporters to coaches and trainers, like Pennsylvania did subsequent to the Penn State child abuse scandal, it could cost about \$53 million to deal with the uptick in the first year. Testimony from doctors including pediatricians and ob-gyns expressed concern that felonizing record keeping omissions could discourage doctors from entering the profession. I have attended all hearings and put in cards supporting the bills on our behalf. Bills the Committee is considering:

### Medical treatment and practice reforms

- HB 5793 (Theis) – informed consent for sensitive services on minors
- HB 5783 (Whiteford) – medical best practices omnibus
- HB 5784 (Hauck) – sentencing guidelines for HB 5783
- HB 5787 (Kesto) – sexual assault under pretext of medical treatment
- HB 5788 (Geiss) – sentencing guidelines for pretext crime
- HB 5789 (Noble) – automatic licensure revocation for pretext crime
- HB 5790 (Rendon) – automatic licensure revocation for pretext crime

### Criminal law reforms

- HB 5794 (Iden) – aggravated child porn/distribution
- HB 5660 (Love) – aggravated child porn/possession
- HB 5661 (Farrington) – aggravated child porn/sentencing guidelines

HB 5537 (Kesto) – using position of authority to prevent reporting  
HB 5658 (Cox) – expanded admissibility of prior sexual misconduct  
HB 5798 (Albert) – expanded victim impact statement eligibility

#### Education reforms

HB 5786 (Clemente) – school employee separation records  
HB 5791 (Chang) – sexual misconduct information for students  
HB 5785 (LaSata) – relationship information for students  
HB 5800 (Rabhi) – no retaliation on student sexual misconduct reports  
HB 5795 (Singh) – Title IX Ombudsman  
HB 5792 (Hoadley) – Title IX improvement plans  
HB 5539 (LaSata) – expands Ok2Say to cover sexual misconduct  
HB 5799 (Hornberger) – update Governor removal statute  
HB 5797 (Pagan) – FOIA exemption for survivor identities

#### Mandatory reporting reforms

HB 5659 (Griffin) – expands list of mandatory reporters  
HB 5796 (Pagan) – training for mandatory reporters  
SB 874 (Jones) – increased penalties for mandatory reporting violations  
SB 880 (Jones) – sentencing guidelines change for SB 874  
SB 871 (O'Brien) – criminal statute of limitations extension  
SB 872 (Knezek) – civil statute of limitations extension  
SB 875 (O'Brien) – exemption to court of claims filing limitations  
SB 876 (Horn) – exemption to statute of limitations for claims against the state  
SB 877 (Knollenberg) – expands governmental immunity

**Human Trafficking** – On April 25, the Governor signed into law HB 5438, now PA 119 of 2018, to expand the definition of coercion to include controlling or facilitating access to controlled substances. The bill goes into effect July 25, 2018.

**Address Confidentiality** – The Senate Judiciary Committee held a hearing and reported out bills on April 25 to create an address confidentiality program to protect victims of domestic violence, stalking, human trafficking, or sexual assault, or those who risked physical harm if his or her address were disclosed. The bills are Senate Bills 655, 656, 657, 658, 954, 955, and 956. I put in cards of support on behalf of the AAUW of Michigan for the bills.

**Embryo and Fetus As a Person** – Anti-abortion advocates' leading bill is HB 4500, legislation that would count an embryo or fetus as a person when calculating the number of victims of a crime. It passed the House in early November, Senate Committee in February and is on the Senate floor for a vote by the full chamber. Michigan already has a well-written law to enhance penalties for injury to a pregnant woman and this bill is not needed. Including an embryo or fetus as a person in sentencing guidelines is one step toward enlarging fetal rights over a pregnant woman's rights that could be used in other contexts by the courts and anti-abortion advocates to criminalize abortion. **Contact your State Senator and urge him/her to oppose this bill.**

**Get involved!** – If you want to stay informed about the AAUW of Michigan's legislative activities, "Friend" the AAUW of Michigan's Facebook page where I post directly from legislative hearings and share articles related to our public policy program issues. Join the AAUW of Michigan's Virtual Lobby Corp that meets monthly by conference call by emailing [mivotered@aauwmi.org](mailto:mivotered@aauwmi.org), or get involved with your local branch's Public Policy Committee. And be sure to sign up for national AAUW's Two-Minute Activist at [www.aauw.org](http://www.aauw.org). You can access state legislature information at [www.michiganlegislature.org](http://www.michiganlegislature.org). Many of my state legislative reports and testimony are at [www.aauwmi.org](http://www.aauwmi.org) under the Public Policy navigation button.