

# CAPITOL REPORT

May 21, 2024

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## WHAT AAUWMI IS WATCHING

In the House, 1,733 bills have been introduced and, in the Senate, 874 bills have been introduced since January 2023, the beginning of the two-year 102<sup>nd</sup> Legislature. I am following 829 legislative measures from both chambers for AAUWMI, 135 more since my last report of February 20, 2024. These bills relate to [AAUWMI's 2023-2025 Public Policy Priorities](#), or general news of interest to AAUWMI members on which I report.

I assign bills to one or more of 10 subject categories. The breakdown of bills assigned to the subject categories in rank order of number of bills is:

Civil rights	248
Voting rights, campaign finance, ethics, lobbying	185
Economic justice	166
Reproductive justice	149
Employment/Economic security	126
Education, sex equity in education	119
Firearms	115
Family	98
Domestic violence, sexual assault, human trafficking	69
LGBTQIA+	21

## FAMILY PROTECTION ACT SIGNED INTO LAW

Governor Gretchen Whitmer signed 9 bills making up the Family Protection Act on April 1, thus marking the end of Michigan's 1988 ban against surrogate parenting. The new acts update the law to create a clear legal link between parents and children born through assisted reproduction and in vitro fertilization (IVF). Michigan was the last state in the country to have a ban on surrogacy. The new law will help infertile and same sex couples avoid the cost and legal maneuvers necessary under the Michigan ban. The bill package included HB 5207 – HB 5215. **AAUWMI supported the bills in both chambers.** In the signing ceremony, Governor Whitmer highlighted the importance of protecting reproductive rights, given the court ruling in Alabama that effectively outlawed IVF in that state.

Because there were not the votes in the legislature to give immediate effect, the bills will not become law until the 91<sup>st</sup> day after the legislature adjourns later this year, sometime in March 2025. Only two Republican Senators voted for the bills. The Michigan Catholic Conference and Right To Life of Michigan opposed the bills.

## BILLS THAT ARE MOVING

AAUWMI supported many bills in committee hearings in the last several months. Here are some of the more important or interesting ones.

**Guns in polling places** – HB 4127 and HB 4128 prohibit possession of firearms at a polling place and within 100 feet of an absentee ballot counting board while ballots are being counted. The bills passed the House along party lines in November and passed the Senate on February 29, again along party lines. They have been returned to the House and await concurrence from the full House.

**Election Recounts** – SB 603 and SB 604 would make extensive changes in the election challenge and recount process. After several Senate committee hearings, the bills passed the Senate floor along party lines, had two hearings in the House Elections Committee and were reported out on May 21. The bills are largely in response to the numerous challenges, suspicions, lawsuits, and misinformation from the 2020 presidential election process and have been requested by many municipal clerks. The bills clarify the definition of a recount and that a recount is not an audit or investigation. The bills clearly limit the role of the county board of canvassers to ministerial duties. AAUWMI supported the bills in committee hearings.

**LGBT fright defense** – A bill to prohibit sexual orientation or gender identity or expression of a victim as a defense to a crime by a perpetrator sponsored by Rep. Laurie Pohutsky (D-Livonia) has passed the House along party lines and has been reported out of the Senate Civil Rights, Judiciary and Public Safety Committee. Under the bill, an individual would not be justified in using force against another individual based on the discovery of, knowledge about, or potential disclosure of sexual orientation or gender identity or expression of a victim. AAUWMI supported the bills in committee hearings.

**Breast pumping in public** – Passing the Senate by 26 – 12 is SB 351 to expand public breastfeeding antidiscrimination law to protect public expression of human milk. One witness at the hearing on the bill was breastfeeding her infant while testifying. AAUWMI supported the bills in committee hearings.

**Adoption records** – Bills to expand adoptee’s access to their unredacted birth certificates, HB 5148 and HB 5149, have passed the House 99-8 and have had two hearings in the Senate Civil Rights, Judiciary and Public Safety Committee. AAUWMI supported the bills in committee hearings.

**Housing discrimination** – Three Senate bills (SB 205 – 207) and two House Bills (HB 4062 and 4063), would prohibit housing discrimination based on source of income such as housing assistance or veteran’s benefits. They have passed Senate along party lines and have had one hearing in the House Judiciary Committee. AAUWMI supported the bills in Committee hearings.

**Ethnic intimidation act expansion** – SB 600 and SB 601 would expand Michigan’s Ethnic Intimidation Act to instead prohibit a hate crime using force or threat of force against an individual based in whole or in part on another individual's actual or perceived race, color, religion, gender, sexual orientation, gender identity or expression, ethnicity, physical or mental disability, age, national origin, or association or affiliation with any such individuals. The bills would not prohibit an individual's exercise of the constitutional right to free speech. The bills passed the Senate largely along party lines and have been referred to the House Criminal Justice Committee. AAUWMI supported the bills in committee.

**Contraception availability** – Two bills to allow pharmacists to prescribe contraception were reported out of the House Health Policy Committee on April 18. HB 5435 would require insurance companies to cover contraception like any other prescription, which means that the patient would not have to pay a \$39 collaborative practice agreement fee. HB 5436 would allow pharmacists to prescribe all forms of self-administered hormonal contraceptives, including the pill, ring and patch. Pharmacists would

be required to complete a Board of Pharmacy-approved training program before prescribing birth control. And patients must complete a self-screening risk assessment before a pharmacist can prescribe birth control to them. Twenty-nine states and the District of Columbia already allow pharmacists to prescribe self-administered hormonal contraceptives. And in a 2019 nationwide survey, 67% of women said they would benefit from being prescribed hormonal contraceptives by a pharmacist. AAUWMI supported the bills in committee.

## REDISTRICTING UPDATE

Last year a federal court panel in *Agee v. Benson* ([USWDM Docket No. 22-00272](#)) ruled unconstitutional 7 House and 6 Senate seats in southeastern Michigan that it said were drawn predominantly with race in mind. The Michigan Independent Citizens Redistricting Commission (MICRC) completed its **redistricting of 15 House districts** in southeast Michigan that satisfied the court on March 27. Plaintiffs have indicated no intent to appeal. The partisan fairness measures do not indicate any radical change in the political make-up of the new district lines.

At this time, the MICRC continues to work on **redrawing the Senate District** maps for the court-ordered 1, 3, 6, 8, 10, 11 districts and any other nearby districts caught in the crosshairs. Some tentative maps are available on the MICRC web page at [www.michigan.gov/micrc](http://www.michigan.gov/micrc). Three public hearings were held in Warren, Southfield, and Detroit on May 7 – 9 to collect input on its work thus far. Members of the public may file written comments on the MICRC web page.

Commissioners must propose a Senate redrawn map to the court no later than May 22. Public comment will conclude no later than June 21. A final map is to be adopted by the MICRC and sent to the court for final approval no later than June 27. Objections to the plan can be filed by the plaintiffs no later than July 5, with the MICRC's response to be filed July 12. A reviewing special master hired by the court, Bernard Grofman of University of California-Irvine, is to submit a report by July 12. The parties can comment on Grofman's assessments no later than July 19. The court is to approve a remedial Senate plan no later than July 26. Appeals may follow.

## ELECTION YEAR NEWS

**Full House** – Substantive policy matters have been held in abeyance in the State House since mid-November 2023 when two Democratic Representatives resigned after being elected mayors of their cities. As expected, Democrats won the two open seats in the Special Election held April 16. Mai Xiong (D-Warren) and Peter Herzberg (D-Westland) were sworn into office on April 30. The House Democratic Caucus has now returned to its slim one-vote majority of 56 members in the 110-member chamber.

**Presidential Race** – President Joe Biden and former President Donald Trump have agreed to debate June 27 on CNN. A second debate is scheduled to take place September 10 by ABC News.

On April 18, **Robert F. Kennedy Jr.**, son of former U.S. Sen. Robert F. Kennedy, who was assassinated during the 1968 presidential campaign, was nominated by Michigan's Natural Law Party to be its presidential standard bearer. In 2020, Rocky De La Fuente was the Natural Law Party's nominee. He attracted 2,976 votes or 0.05 percent of the 5.5+ million votes cast. Without an established Michigan minor party nomination, Kennedy would have had to collect 15,000 valid signatures from registered voters with at least 100 such signatures from at least seven of the State's

13 U.S. House districts to run as an independent candidate without party affiliation. The other major and minor parties will nominate their presidential candidates at conventions later this summer.

**Battleground Michigan** – Michigan is one of several swing states that both major parties and their allies are targeting with campaign megabucks. With **Sen. Debbie Stabenow** retiring, there is an open U.S. Senate seat where the Democrats have a current one-vote majority in that body. There are two open U.S. House races in Michigan currently held by Democrats that Republicans with only a five-vote majority in the 435-seat U.S. House would like to flip. There is a factionalized state Republican Party with new leadership and depleted finances. There is a one-vote Democratic majority in the State House with every seat up for election. (The Michigan Senate is not up for election this year.) With all of this as a background, the April 23 candidate filing deadline, April 26 candidate withdrawal deadline, and April 30 challenge deadline were much anticipated.

**U.S. Senate** –The U.S. Senate race will see three Democratic candidates (**Nasser Beydoun, Hill Harper, Elissa Slotkin**) and four Republican candidates (**Justin Amash, Sherry O'Donnell, Sandy Pensler, Mike Rogers**) on the August 6 primary ballot. Challenges of nominating petition signatures are underway.

**MI-7 Congressional District (CD)**. – In the 7<sup>th</sup> District Congressional race (Clinton, most of Eaton, Ingham, Livingston, and Shiawassee counties) there are two former Lansing area State Senators vying for the open seat being vacated by U.S. Representative **Elissa Slotkin** who is running for the U.S. Senate seat: Democrat **Curtis Hertel** (East Lansing) and Republican **Tom Barrett** (Grand Ledge).

**MI-8 CD** – In the Genessee, Saginaw, Bay and most of Midland Counties 8<sup>th</sup> Congressional district being vacated by retiring U.S. Representative **Dan Kildee**, there are three Democrats (**Matt Collier, Kristen McDonald Rivet, Pamela Pugh**) and four Republicans (**Mary Draves, Anthony Hudson, Paul Junge, Nikki Snyder**) running in their primaries.

**Other MI CDs** – Six of 11 incumbents running for re-election face primary challengers in the other districts. Two first-term U.S. Representatives are defending their seats in competitive districts: **John James**, R-Farmington Hills, in the Macomb County-based 10<sup>th</sup> and **Hillary Scholten**, D-Grand Rapids, in the west Michigan 3<sup>rd</sup> CD. Also facing primaries are Democratic Reps. **Shri Thanedar** and **Rashida Tlaib** of Detroit, **Haley Stevens** of Birmingham, along with Republican Reps. **Jack Bergman** of Watersmeet and **Bill Huizenga** of Holland.

## **OTHER POLITICAL NEWS**

**Officeholder Financial Disclosure** – The first annual financial disclosure reports from lawmakers and statewide officers required by Proposal 22-1 and its implementing legislation passed in November 2023 were due April 15. Most officials reported the bare minimum required under the law and nothing more. The reports include employers for the official and their spouse, sources of earned and unearned income, liabilities, assets, and gifts from lobbyists. However, the specific dollar amount is not required nor is the name of the lobbying organization. Candidates for public office were required to file by May 15, but many failed to do so. For details, go to [www.michigan.gov/sos](http://www.michigan.gov/sos) and search for Personal Financial Disclosure.

**AG Opinion Requested** – Secretary of State Jocelyn Benson has asked Attorney General Dana Nessel for a formal opinion on multiple aspects of the State's new financial disclosure law which she is required to implement with an online portal. Included in the request was a question about whether

the financial disclosure law requires lawmakers and candidates to report all gifts and travel payments received rather than just those reported by lobbyists. Some lobbying firms have asked for clarifications as well.

**BRITE Act** – In a related matter, the House Ethics and Oversight Committee heard testimony on April 18 on the BRITE Act, a seven-bill package designed to increase government transparency. The bills would provide immediate injunctive relief for campaign finance violations and implement a "cooling-off period" of one year for legislators before they could be hired as lobbyists. Secretary of State Jocelyn Benson and Attorney General Dana Nessel both testified in support of the package. The bills are HBs 5580 – 5586.

**Chatfields Indicted** – As a reminder of why financial disclosure and the BRITE Act are needed, former House Speaker Lee Chatfield and his wife, Stephanie Chatfield, were charged by Attorney General Dana Nessel on April 16 with multiple felonies related to alleged misuse of 501(c)(4), Political Action Committee, and government funds and resources. The Chatfields are alleged to have improperly used the resources to fund lavish vacations, dining, and other personal credit card expenses. Two one-time Chatfield top aides, Rob and Anné Minard, were charged earlier this year with financial crimes. The Minards and Chatfields have pled not guilty to the embezzlement and corruption charges.

Chatfield became the second former Michigan House Speaker in a year to be charged with felonies, the other being former Speaker of the House Rick Johnson (2001-2004) now serving 55 months in federal prison for accepting more than 40 bribes as the chair of the now defunct medical marijuana licensing board.

## **STATE BUDGET**

The State House and Senate recently passed their proposed Fiscal Year 2025 budgets, both over \$80 billion. This is just one step in budget negotiations between lawmakers and the governor, who presented her Executive budget in early February. State law requires the budget to be finalized by July 1. Even though the Democrats enjoy a trifecta, there are differences in what the Governor, House, and Senate have supported, especially in the area of education and economic development funding. Since the Senate Republicans can withhold immediate effect, they are also a player in the eventual budget adopted.

The results of the May 17 Consensus Revenue Estimating Conference for the current 2023-24 fiscal year indicated state revenues are 0.3 percent below the previous fiscal year. However, for the 2024-25 fiscal year, the estimates reflect overall 2.1 percent growth compared to the current year. These are modest bumps compared to the wild fluctuations seen in 2021 and 2022 as tax revenue came in stronger than expected and federal funding boosted state coffers in the wake of the coronavirus pandemic.

## **ADVOCACY IS AAUW MISSION**

**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. Recent guest speakers have included **U.S. Representative Elissa Slotkin (D-Holly)** in November 2023, **Lauren Gibbons, Bridge Michigan Capitol Reporter** in January 2024 and a presentation on

**New Voting and Election Protection Opportunities for 2024** featuring **Bailey Rechler, Legal Fellow with Promote the Vote** at the February 2024 meeting.

The Lobby Corps is open to all AAUW members (and like-minded invited 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](#).

**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](http://www.legislature.mi.gov) .

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