

# CAPITOL NEWS UPDATE

## WEEK OF AUGUST 1, 2022



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& ASSOCIATES

### MICHIGAN SUPREME COURT RULES ANTI-DISCRIMINATION LAW INCLUDES 'SEXUAL ORIENTATION'

Last Thursday, a ruling by the Michigan Supreme Court ended a decades-long effort to make discrimination on the basis of sexual orientation in employment, housing and public accommodations illegal. The 5-2 Supreme Court majority ruled that Michigan's Elliott-Larsen Civil Rights Act—the current laws against discrimination based on sex—also includes sexual orientation.

The ruling also kept intact a lower court ruling that the law's protections for "sex" also protects gender identity.

Justice Elizabeth Clement wrote the majority opinion *Rouch World v. Department of Civil Rights*.

"In other words, the determination of sexual orientation involves both the sex of the individual and the sex of their preferred partner; referring to these considerations jointly as 'sexual orientation' does not remove sex from the calculation," Clement said.

Clement, who was appointed to the bench by former Republican Governor Rick Snyder, was joined by the Supreme Court's four Democratic-nominated justices, Chief Justice Bridget McCormack, Justice Richard Bernstein, Justice Megan Cavanagh and Justice Elizabeth Welch.

The Elliot-Larsen Civil Rights Act bars discrimination on the basis of religion, race, color, national origin, age, sex, height, weight, familial status or marital status. For many years, members and allies of the LGBTQ community have pushed for the Legislature to add sexual orientation and gender identity to the list of groups the act protects. Advocates have also tried and failed to gather signatures for a ballot initiative. In 2018, however, the Department of Civil Rights issued an interpretive statement holding that discrimination on the basis of sex encompassed sexual orientation and gender identity.

The current case happened in 2019, when the Michigan Department of Civil Rights began investigating two separate businesses that denied services to a gay couple and a person transitioning from a man to a woman.

In 2019, Rouch World, based in Sturgis, Mich., refused to host a same-sex wedding at its facility, saying it would violate their sincerely held religious belief that marriage is between one man and

one woman. The second business was Uprooted Electrolysis in Marquette which denied service to the individual transitioning from a man to a woman because it conflicted with religious beliefs.

Attorney Dave Kallman filed suit on behalf of the businesses and argued that the department of Civil Rights was conducting its investigation based on an allegation not protected by the state's anti-discrimination law—the Elliot-Larsen Act which he argued did not include sexual orientation protections.

Kallman is challenging the law itself after the Supreme Court rule in the Michigan Court of Claims on the grounds that it was an unconstitutional infringement on freedom of religion. Kallman has said he will now focus his defense on his clients' first amendment rights.

In his dissent, Justice David Viviano said, “The majority has reached its interpretation today without any concern for whether that interpretation violates constitutional protections of religious liberty.”

Michigan's attorney general Dana Nessel celebrated the decision but has also urged the Legislature to include the protections in state law to prevent it from changing under future court opinions.

## **COMPETITIVE RACES FOR THE GENERAL ELECTION**

With the primaries past, Republicans and Democrats are now gearing up for the general election.

In the Senate, where Republicans hold a 22-16 majority and have held majority since 1984, here are a few potentially competitive races:

**4<sup>th</sup> Senate District** – Rep. Darrin Camilleri (D-Brownstown Twp.) and Houston James (R)

**9<sup>th</sup> Senate District** – A competitive race between former Republican Rep. Mike Webber and current Rep. Padma Kuppa (D-Troy)

**11<sup>th</sup> Senate District** – Sen. Mike MacDonald (R-Macomb Twp.) will face longtime Macomb County Commissioner Veronica Klinefelt (D).

**12<sup>th</sup> Senate District** – Rep. Kevin Hertel (D-Saint Clair Shores) faces Rep. Pamela Hornberger (R-Chesterfield)

**32<sup>nd</sup> Senate District** – Sen. Jon Bumstead (R-North Muskegon) will run against Rep. Terry Sabo (D-Muskegon).

**35<sup>th</sup> Senate District** – Rep. Annette Glenn (R-Midland) faces Democrat Kristin MacDonald-Rivet

For the House, although many of the likely election winners were decided in the primary, here are a few potentially competitive races to watch:

**27<sup>th</sup> House District** – Republican Bob Howey faces Democrat Jamie Churches in this district covering Wyandotte and Wayne County.

**28<sup>th</sup> House District** – Republican Jamie Thompson faces Democrat Robert Kull in this district covering Monroe County.

**29<sup>th</sup> House District** – Rep. Alex Garza (D-Taylor) faces Republican James DeSana.

**46<sup>th</sup> House District** – Democrat Maurice Imhoff will battle Republican Kathy Schmaltz of Jackson.

**48<sup>th</sup> House District** – Jason Woolford (R) versus Jennifer Conlin (D) in this district covering Ann Arbor and Livingston County

**56<sup>th</sup> House District** – Democrat Sharon MacDonell v. Republican Mark Gunn in the district including Troy and Oakland Count.

**58<sup>th</sup> House District** – Rep. Nate Shannon (D) will face Ndreia Giovanni (R) in the Sterling Heights district.

**62<sup>nd</sup> House District** – Republican Alicia St. Germaine will race against Democrat Michael Brooks for this Lake St. Clair district.

**80<sup>th</sup> House District** – Democrat Phil Skaggs faces Republican Jeffrey Johnson in Kent County.

**81<sup>st</sup> House District**– Former Rep. Lynn Afendoulis (R-Grand Rapids Twp.) will run against current Rep. Rachel Hood (D-Grand Rapids).

**84<sup>th</sup> House District** – Republican Mike Milanowski faces current Rep. Carol Glanville (D-Walker).

**86<sup>th</sup> House District** – Republican Nancy DeBoer (R) will run against Democrat Larry Jackson in this Ottawa County district.

**103<sup>rd</sup> House District** – Rep. Jack O’Malley (R-Lake Ann) will face Democrat Betsy Coffia in the district covering Grand Traverse County.

**109<sup>th</sup> House District** – Republican Melody Wagner versus Democrat Jenn Hill in race for this Marquette County district.

## MM&A BRIEFS

### **OVER 2 MILLION VOTE IN GUBERNATORIAL PRIMARY**

Just over 2 million Michigan residents voted in the gubernatorial primary this week, with 1.1 million voting for Republican candidates and 1 million voting for Governor Gretchen Whitmer who was unopposed.

In addition, Secretary of State Jocelyn Benson said more than 3,000 people registered to vote on election day.

## CALENDAR OF EVENTS

- Aug. 7**      **HRCC's Northern Michigan Reception**  
Location: 10:30 a.m., Country Club of Boyne, 334 Heather Dr., Harbor Springs
- Rep. Matt Koleszar (D) 2022 Democratic All Star Softball Game**  
Location: 1 p.m., Millenium Park, 45769 Six Mile Road, Northville
- Aug. 12**      **Rep. Timmy Beson (R) Golf Scramble**  
Location: 9:30 a.m., Maple Leaf Golf Course, 158 N. Mackinaw Road, Linwood
- Aug. 15**      **Rep. Pauline Wendzel (R) - 3rd Annual Wendzel at the Woods**  
Location: 9 a.m., Point O'Woods Country Club, 1516 Roslin Road, Benton Harbor
- Aug. 16**      **Rep. Carol Glanville (D) - Fundraiser**  
Location: 7 p.m., The Mitten Brewing Co., 527 Leonard Street NW, Grand Rapids
- Aug. 18**      **Rep. Nate Shannon (D) Fundraiser**  
Location: 6 p.m., Roger's Roost, 33626 Schoenherr Road, Sterling Heights