

# CAPITOL NEWS UPDATE

WEEK OF OCTOBER 31, 2022



McAlvey Merchant  
& ASSOCIATES

## **EPIC-MRA POLL: WHITMER IN LEAD**

An EPIC-MRA poll released on Thursday shows the top three Democratic incumbents in executive offices in Michigan hold leads over their Republican challengers, with the most sizeable lead going to Gov. Gretchen Whitmer.

The poll shows that if the election were held immediately, 54% of the respondents would vote for Gov. Whitmer, and 43% would vote for Republican Tudor Dixon. Two percent said they were undecided or refused to say who they would vote for. Earlier polls showed similar results in October, but a larger lead in September.

For Secretary of State, 51% of those polled said they would vote for incumbent Jocelyn Benson, while 40% said they would vote for Republican Kristina Karamo, with six percent undecided or refusing to answer.

The closest race, according to the polls, is Attorney General where 48% of those polled said they would choose incumbent Attorney General Dana Nessel while 42% would choose Republican candidate Matt DePerno, with seven percent undecided.

The EPIC-MRA poll also showed which issues voters are most concerned about. Of those polled, 28% said that inflation was their top concern, 21% said abortion was the most important to them, 12% said they were most concerned about the quality of education and 11 % said their top concern is the economy and jobs.

The poll also showed that 43% of voters thought the race for governor was being affected most by the issue of abortion, and 28% said inflation was affecting the race.

EPIC-MRA surveyed 600 people between Oct. 28 and Nov. 1.

## **POLL SHOWS VOTERS LIKELY TO PASS BALLOT PROPOSALS**

The recently released EPIC-MRA poll also asked voter opinion on the three ballot proposals including:

Proposal 1 would revamp term limits for Michigan's legislature, changing the limit to a total of 12 years in either the House or the Senate, or both chambers. Currently, legislators are limited to serving six years in the House and eight in the Senate. The EPIC-MRA poll shows that of those polled, 66% would vote yes and 29% would vote no.

Proposal 2 involves voting reforms including adding nine days of early in-person voting, requiring the state to fund absentee ballot postage, requiring military or overseas ballots to be counted if they are postmarked by election day and requiring canvass boards to certify election results based only on the official records of votes cast. Of those polled, 68% said they would vote for the proposal and 29% said they would vote against it.

Proposal 3, the most contentious of the proposals, would invalidate a 1931 abortion ban and potentially other existing regulations, and write a broad new right to “reproductive freedom” into the state constitution. Of those polled, 57% said they would vote yes, and 40% said they would vote no.

### **SUPREME COURT ALLOWS SECRETARY OF STATE RULES TO STAY**

The Michigan Supreme Court suspended a Court of Claims ruling this week, allowing the Secretary of State to continue to use poll challenger guidance issued in May 2022.

One of the election rules that will now remain in place is a ban on personal electronic devices, such as cell phones, in absentee voter counting board rooms while polls are open. Additional rules include a new uniform challenger-credential form, a requirement that challengers only communicate with an election inspector designated the "challenger liaison," a section allowing political parties to appoint or credential challengers at any time until Election Day but seemingly not on Election Day. The Court of Claims only blocked specific items in the guidance, not the entire manual.

The same rules were in place for the primary, and the decision will mean that they will remain in place until after the election.

Lawsuits regarding the rules were brought up by several election challengers, two legislative candidates and state and national Republican parties.

The court voted 5-2 with Justice Brian Zahra and Justice David Viviano dissenting.

Opponents of the guidance argue that the manual was a rule that was not promulgated through the proper channels. The Department of State argued that the manual does not fall under rulemaking requirements because it is instructional and provides guidance.

"In a moment when we often see lawsuits filed not to enforce the law but instead to cause confusion and further partisan strategies, I am grateful to the Michigan Supreme Court for providing clarity to all voters and election officials that the challenger guidelines and protocols used in previous elections will remain in effect for next week's general election," said Secretary of State Jocelyn Benson in a statement.

In his dissent, Justice Viviano wrote, "On their face, the secretary of state's changes limit the ability of election observers to challenge the integrity of the election and make the vote-counting process less transparent."

## **ICRC COULD BRING LAWSUIT AGAINST LEGISLATURE OVER FINDING OF LEGAL DEFENSE**

The Independent Redistricting Commission recently unanimously approved a motion to compel the Michigan Legislature to pay the commission's continuously mounting legal fees, which could also mean that the ICRC will be suing both the House and Senate.

The commission faces a budget crisis created by the high cost of litigation to defend their currently adopted maps. The commission could run out of money because money from the previous fiscal year cannot be used on anything other than to cover bills that accrued prior to the end of the previous fiscal year. Executive Director Edward Woods III said that the commission and its legal team were trying to find a way to roll its existing funds into the current fiscal year if the Legislature and Constitution would allow it. Wood also reiterated that the cost of defending the maps is the reason for the increase in budget and that salaries have already been cut.

He also said that not funding the commission's legal defense of duly adopted and state-certified maps was against the will of the voters who overwhelmingly voted to pass the proposal that made the commission possible.

A motion was made to allow Woods and a litigation firm the authority to explore all its options, including and up to initiating litigation against the legislative branch.

## **MM&A BRIEFS**

### **STANLY DEPARTS MSU EARLY, WOODRUFF TO SERVE AS INTERIM PRESIDENT**

Michigan State University President Samuel Stanley is leaving two months earlier than he announced when he gave his resignation last month. The MSU Board of Trustees unanimously appointed Provost Teresa Woodruff as interim president. Stanley will be leaving on Nov. 4, the same day that Woodruff will begin.