

## SENATE RESOLUTION NO. 6

Senator Horn offered the following resolution:

1           A resolution to authorize the Senate Majority Leader to engage  
2 counsel to file a motion on behalf of the Senate to intervene in  
3 *League of Women Voters of Michigan, et al v. Jocelyn Benson.*

4           Whereas, On August 9, 2011, following the 2010 Census, then-  
5 Governor Rick Snyder signed into law Public Acts 128 and 129 of  
6 2011. These acts collectively provided for the redistricting of  
7 congressional and state legislative districts, as required by the  
8 U.S. and Michigan constitutions and in accordance with state law.  
9 Specifically, Public Act 129 of 2011, which passed both chambers of  
10 the Legislature with bipartisan support, provided for the  
11 redistricting of the Michigan House of Representatives and the  
12 Senate; and

13           Whereas, On December 22, 2017, the League of Women Voters of

1 Michigan and other named individuals filed an action against the  
2 Secretary of State, in her official capacity, in the United States  
3 District Court for the Eastern District of Michigan, Case No. 2:17-  
4 cv-14148, contending that the congressional and state legislative  
5 district maps are unconstitutional partisan gerrymanders in  
6 violation of the First and Fourteenth Amendments of the U.S.  
7 Constitution; and

8       Whereas, Following the filing of the action, then-Secretary of  
9 State Ruth Johnson engaged in a vigorous defense of Public Acts 128  
10 and 129 of 2011, including the filing of multiple motions to  
11 dismiss the lawsuit and for summary judgement. On November 6, 2018,  
12 the people of Michigan elected Jocelyn Benson as Secretary of  
13 State, succeeding Secretary of State Johnson on January 1, 2019;  
14 and

15       Whereas, On January 17, 2019, Secretary of State Benson,  
16 through newly appointed counsel, filed a motion to stay the  
17 proceedings. In the motion, the Secretary of State expressed a  
18 desire to settle the matter with the plaintiffs, presumably by  
19 agreeing to allow for the redrawing of congressional and state  
20 legislative districts for the 2020 elections, including potentially  
21 calling for a special state Senate election in 2020. The filing of  
22 such a motion, together with media reports indicating a desire by  
23 the Secretary of State to adopt a new apportionment plan for the  
24 2020 election, effectively ended the adversarial role of the  
25 Secretary of State and its meaningful participation in and defense  
26 of this matter; and

27       Whereas, Individual members of Congress and the Michigan House  
28 of Representatives previously filed motions to intervene as  
29 defendants and those motions were ultimately granted; and

1           Whereas, Members of the Michigan Senate now have an additional  
2 interest in this matter, as the proposed settlement could include a  
3 requirement that the Michigan Senate be subject to a special  
4 election in 2020 in violation of Article IV, Section 2 of the  
5 *Constitution of the State of Michigan of 1963*, which provides:

6           The senate shall consist of 38 members to be elected from  
7 single member districts at the same election as the  
8 governor for four-year terms concurrent with the term of  
9 office of the governor.

10 ; and

11           Whereas, On January 22, 2019, three current members of the  
12 Senate filed a motion to intervene in order to help fill the  
13 adversarial void and defend against claims raised by plaintiffs and  
14 to protect the interests of the Senate and its members who are  
15 elected to represent the people of Michigan; and

16           Whereas, The Senate must seek to intervene in this case in  
17 order to defend its unique role in Michigan's constitutional  
18 system. Permitting the court to consider a mid-term special Senate  
19 election without hearing meaningful opposition would greatly harm  
20 operation of this legislative body and the ability of its members  
21 to carry out the duties of their office, including representing  
22 members of the public; now, therefore, be it

23           Resolved by the Senate, That the Senate Majority Leader is  
24 authorized to engage counsel to file a motion on behalf of the  
25 Senate to intervene in *League of Women Voters of Michigan, et al v.*  
26 *Jocelyn Benson* (2:17-cv-14148) and take all necessary steps  
27 incidental thereto, including, but not limited to, the pursuit or  
28 defense of any appeals.