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## QUOTE OF THE DAY

*"I've had friends from other states pray that that would occur."*

- Former California lawmaker Ray **HAYNES** responding after Sen. Judy **EMMONS** (R-Sheridan) asked if he anticipates that California will secede from the United States.

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## MIRS Capitol Capsule Headlines

### Whitmer, Schuette Start With \$1.5M; Shri Spent \$62.60 A Vote

The Republican and Democratic gubernatorial nominees are both starting the General Election campaign with \$1.5 million in cash on hand, according to the post-primary campaign finance filings submitted to the Bureau of Elections today.

Democratic gubernatorial nominee Gretchen **WHITMER** has outraised Republican Bill **SCHUETTE** \$8 million to \$6 million for the campaign, although Schuette narrowly outraised Whitmer for this reporting period, \$1.19 to \$1.16 million.

Whitmer raised \$7.1 million in private funds and received \$929,000 in public funds for a total of \$8 million total raised. The UAW was listed as her biggest contributor at \$68,000. Four different Teamsters political action committees (PACs) have put in a combined \$40,000 into the Whitmer campaign.

Whitmer boasted that 83 percent of her resources came from Michigan donors and 70 percent of the

campaign's donations are under \$100. She is claiming that she has received 23,233 donations.

"Michiganders have made it clear that they're ready for a governor who will roll up her sleeves and start solving problems," said Whitmer Press Secretary Nicole **SIMMONS**. "Gretchen Whitmer is the only candidate who will roll up her sleeves and get to work solving problems."

Schuette raised \$6,175,889 in private funds and \$354,394 in public funds for a total primary haul of \$6.53 million. He listed \$110,000 in debt to vendors.

"Our campaign started the General Election in a strong position because our paycheck agenda will help Michigan families get a pay raise," Schuette said.

The other headline from today's post-primary numbers is the \$12.56 million Ann Arbor chemist and entrepreneur Shri **THANEDAR** spent on his race for the 200,645 votes he received. Nearly all of his campaign's money came from the candidate himself.

Overall, he spent \$62.60 per vote, by far the most dollars spent per vote of any candidate on the primary gubernatorial ballot.

Thanedar ended up putting \$10.36 million of his own wealth into the race. At one point, he was in for \$12.7 million, but paid himself back more than \$2 million. For the last reporting period, which covered July 23 to Aug. 27, Thanedar was the campaign's only contributor.

Outside of his own wealth, he reported received roughly 50 contributions in 2017, but none in 2018. He ended up with \$177,238 in cash on hand.

Thanedar said he had "zero regrets" despite conceding that he did put a substantial part of his net worth into "this passion of mine." He conceded earlier this year that the amount of money he put into the race accounted for about one-third of his net worth.

"When you run for political office, there's always an uncertainty. Nothing is guaranteed. There are surprises all the time in politics," Thanedar said. "Going into it, I was passionate and I still am, about public service and giving back. I felt as governor, I had the most opportunity to make a difference in the lives of a large number of people.

Republican Dr. Jim **HINES** sank \$2,610,102 of his own money into the campaign. Combined with the \$208,142 he raised from private donors, he raised \$2.818 million for the campaign. He ended his run with a \$4,016 balance. His campaign spent \$25.27 per vote on his election.

Sen. Patrick **COLBECK** raised the least of the seven major-party candidates with \$535,786 in private contributions. He's reporting no debt and a final balance of \$34,807.

Among those who donated were the Michigan Vaccine Freedom out of St. Clair Shores, which gave \$1,000. His campaign spent \$3.85 per vote, but he has no debt.

Democratic gubernatorial runner-up Abdul **EL-SAYED** raised \$5.4 million, of which \$909,351 came from public money. He ends with \$77,895 in debts and only \$9,132 in the bank.

The first-time candidate and former Detroit Public Health Department director ended the campaign in debt to two different vendors - Toskr Inc. out of Oakland, Calif., for communication services (\$58,395) and McKenna Media out of Baltimore, MD, for video production (\$19,499).

Notable contributions include Rep. Abdullah **HAMMOUD's** (D-Dearborn) Hammoud For Michigan Fund for \$68,000 and Moveon.org for \$6,800.

The Libertarian nominee, Bill **GELINEAU** reported raising \$54,785, of which \$15,000 came out of own pocket. He enters the General Election with \$3,418 in the bank.

Republican Brian **CALLEY** ended up spending nearly everything he brought in. He raised \$3,758,339 and spent \$3,751,985, giving him \$19,030 in cash on hand when the primary was over. Libertarian John **TATAR** didn't not report his post-primary report by 8 p.m.

- Thanedar raised \$12,693,982 spent \$12,560,567 = \$62.60

- Hines raised \$2,817,2444 spent \$2,813,228 = \$25.72
- El-Sayed raised \$5,407,605 spent \$5,395,336 = \$15.77
- Calley raised \$3,758,339 spent \$3,751,985 = \$15.06
- Gelineau raised \$54,785 spent \$51,267 = \$12.71
- Whitmer raised \$8,063,323 spent \$6,524,613 = \$11.09
- Schuette raised \$6,530,283 spent \$4,966,627 = \$9.89
- Colbeck raised \$535,786 spent \$499,669 = \$3.85

## **Snyder: Results Of Children's Protective Services Audit 'Unacceptable'**

The Office of the Auditor General (OAG) uncovered 17 severe findings related to the state Children's Protective Services (CPS) in a 111-page report, sparking concern from lawmakers on both sides of the aisle and leading Gov. Rick **SNYDER** to call the results "unacceptable."

Of the 24 findings made in **the report**, 17 were considered more serious by the OAG, which rated the Michigan Department of Health and Human Services' (DHHS) efforts to ensure appropriate and consistent application of certain CPS investigation requirements as "not sufficient."

According to the OAG, CPS investigators are required to take a number of investigatory steps as they review allegations of child abuse and neglect. But the OAG report found several deficiencies in various parts of the process in some of the approximately 206,000 investigations completed by CPS investigators between 2014 and 2016.

The list of deficiencies includes CPS investigators late in making required face-to-face contact with alleged child victims in 11 percent of the reviewed investigations, averaging 6.4 days late beyond the required time frames, according to the OAG.

The DHHS also didn't refer investigations to the county prosecuting attorney, as required, for half of the reviewed investigations, and required court petitions weren't submitted by DHHS in accordance with the law in 10 percent of the analyzed investigations.

The DHHS didn't complete nearly 30 percent of reviewed investigations within required time frames, ranging from one day to eight months late, and averaging 44 days late. The required timeline for completing an investigation is 30 days.

And the OAG identified 257 confirmed perpetrators of child abuse or neglect that the state didn't add to the central registry, as required by law.

While acknowledging the DHHS is addressing it, the Governor today called for doing "more and quickly," and announced he's tasked his transformation manager, Rich **BAIRD**, with assessing the DHHS response to the audit and round up the resources needed to assist the agency "in rooting out processes or practices that are standing in the way of excellent service."

"A lot of good people are trying to accomplish a lot of good things in protecting Michigan's most vulnerable populations," Snyder said in a statement. "It can be stressful, and I understand the frustration people involved in this area must feel when they are hindered by cumbersome processes and procedures."

Sen. Peter **MACGREGOR** (R-Rockford), chair of the Senate Oversight Committee, met for a couple hours with the Auditor General's Office today and emerged saying the report is "very serious" and he's presuming there will be a committee hearing on the subject.

"You're talking about the most vulnerable people in our society -- children in neglected and abuse situations. We need to make sure we watch over them. It's our duty," he said.

And Rep. Joe **GRAVES** (R-Argentine Twp.), chair of the House Oversight Committee, pledged in a statement today to "take the necessary actions to correct course and make sure children trapped in dangerous situations receive the justice they desperately need."

Michele **COREY**, vice president for programs with advocacy group Michigan's Children, said today "we have failed to prioritize these kids and families," adding that the state is continuing to rely "almost entirely on federal funding" to support a system that has seen "enormous growth" in recent years.

"The very people this report is highlighting, those who are making decisions about the safety of children and youth, and responsible for ensuring appropriate services for them when needed, need to be better prepared for their jobs, better trained and supported while on those jobs and better supervised to make sure they are doing their jobs," Corey wrote in an email.

She called on those running for office this year -- including gubernatorial candidates -- to commit to "changing a trajectory that has included predictably poor outcomes for children, youth and families involved in the child welfare system."

In the first-listed serious audit finding -- that CPS didn't appropriately commence 17 percent of the reviewed investigations within the required 24-hour timeframe -- the OAG and DHHS disagreed over how to interpret what's required of the state at that stage in the investigation.

The OAG framed DHHS' interpretation of the requirement as believing that the state "is not required to carry out commencement activities for all of the alleged victims on a complaint within 24 hours" and that the state "also believes that it has fulfilled the requirement upon completion of a single commencement activity within 24 hours."

The audit noted the importance of "timely commencement" in assessing a child victim's safety. Besides correcting the deficiency, the OAG recommended the DHHS seek legislative clarification on the interpretation issue.

The DHHS, in its audit response, agreed some of the investigations didn't begin on time, but rejected the idea that legislative clarification is needed, and disputed some of the findings on other cases.

DHHS spokesperson Bob **WHEATON** said CPS doesn't commence "multiple separate investigations involving siblings/children in the same household, as this would be redundant and inefficient," and said "all of the allegations that involve all household children are included in a single investigation."

The audit contained a number of "illustrative" examples drawn from cases. On its finding on the 24-hour requirement, the OAG described a case that featured one child and three additional siblings identified as suspected victims of physical neglect, with allegations indicating a child and his belongings "consistently smelled of animal urine and feces because of unsanitary conditions in the child's home."

According to the audit, the DHHS' single "commencement activity" within 24 hours of receiving the complaint was to contact the school counselor about one of the siblings, but the counselor didn't "discuss the other three siblings who attended other schools." The DHHS also spoke to a teacher of one of the three siblings within 24 hours, as well as the reporting source, the OAG reported.

The OAG considered this approach out of compliance, because the state didn't make contacts in time to assess the safety of two of the siblings suspected of suffering neglect. The DHHS considered the investigation "appropriately commenced," according to the OAG.

The audit results also included a survey of more than 750 CPS investigators, of which 63 percent felt their caseload negatively impacted their ability to conduct investigations in compliance with DHHS policy. The OAG also flagged that its survey found a majority of those who responded had concerns about their physical safety while conducting investigations.

Yet when asked what the root cause was of these various issues, Wheaton said, "I don't know that you can identify a root cause."

"Children's Protective Services staff work tirelessly on behalf of children and families and have duties that are very complex -- as they should be, because their jobs are about protecting children," Wheaton said, adding the DHHS takes the findings "very seriously," although acknowledging DHHS doesn't agree with all of the findings.

With regards to staffing, Wheaton said DHHS is "doing its due diligence to assess CPS staffing levels in

light of the findings" of the audit, adding that the department is working with the "appropriate channels" within the administration "to bring a staffing request to our partners in the Legislature."

Senate Minority Leader Jim **ANANICH** (D-Flint) called the CPS audit "heartbreaking," adding, "These kids, who are already down on their luck, have been neglected by the very people tasked with their safety."

Ananich also said, "This isn't the first time this administration has failed the people of Michigan and it won't be the last. This time, the victims are Michigan's most vulnerable children. The bottom line is that they're either bad at running government or they just don't care -- I'm not sure which is worse."

Rep. Pam **FARIS** (D-Clio) said the findings were "deeply troubling" and said "chronic underfunding by the Republican majority of critical protections" within the DHHS has "put the lives of our children at risk."

## Ex-Senator Bert Johnson Sentenced To 90 Days Confinement

(DETROIT) -- Former state Sen. Bert **JOHNSON** was sentenced today to 90 days in custody followed by two years of supervised release for stealing from taxpayers.

U.S. District Judge Matthew **LEITMAN** also ordered Johnson to spend the first 90 days of release under home confinement, but he can leave to assist his mother with doctor appointments and taking his children to and from school. The judge also ordered 480 hours -- 280 hours per year -- of community service within his Senate district boundaries.

"Had I only been focusing on the offense and had I understood the guidelines were six to 12 months I would have concluded a state legislator who stole north of \$20,000 and deprived his constituents of a community liaison, I would have (imposed a sentence) custodial custody at top of guidelines," the judge said, noting that he considered all the positives about Johnson to arrive at the sentence imposed.

Johnson, who walked away without comment after the hearing, was stoic as he listened to the judge and then stood to address the court.

"I owe a huge debt, both of gratitude and apology, to my constituents," Johnson told the court, adding that his district hasn't had a sitting senator since his resignation in March.

"Understanding that my breach of the public's trust puts all that in question and in jeopardy, I want to apologize to them for that and I also want to apologize for the specter of what all this represents and joining what this region experienced in public corruption," he added. "I never should have hired Glynis **THORNTON**; that is my failing and that's on me. Thank you."

In announcing the sentence Leitman recognized Johnson's personal characteristics, including how others consider him a mentor. He said he found Johnson's past to be "overwhelmingly positive" because of his community involvement and although he made a "bad mistake" -- an armed robbery conviction when a teenager -- he tried to turn it around by speaking to youth in the hopes of them avoiding such mistakes.

"I believe you've learned your lesson and will not be a threat to the public," the judge said.

Johnson, 44, pleaded guilty in March to one count of conspiracy to commit theft from a federally funded program for adding a ghost employee, Thornton, to his Senate payroll for working up to 30 hours per week from March 2014 to January 2015. Although Thornton collected pay from the state, she did not actually work. It was alleged the fake employment was to pay off a \$14,000 personal loan. (See "**Bert Johnson Resigns From Senate After Guilty Plea**," 3/2/18; "**Sen. Johnson Expected To Enter Plea Friday**," 3/1/18; "**Sen. Johnson's Attorney Seeks Dismissal Of Federal Charges**," 9/15/17; and "**Johnson Indicted By Federal Grand Jury**," 4/11/17.)

Johnson pleaded guilty to the five-year felony in exchange for prosecutors dismissing a 10-year theft charge.

Johnson was ordered to pay \$23,133 restitution to the state of Michigan, but that number could increase after the prosecution and defense meet to iron out a final amount.

U.S. Assistant Attorney General Frances **CARLSON** asked for a sentence within the state guidelines of six months to one year with confinement "outside the comforts of the defendant's home." The guidelines made imprisonment or home confinement, essentially probation, acceptable options.

Leitman questioned why the defense's request of probation-only sentence was inappropriate and Carlson acknowledged that Johnson had years of non-criminal activity where he productively served his community, but she said the "only sentence that will have an impact for promoting respect for the law ... is a custodial sentence."

Leitman asked the defense how a probation sentence is meaningful punishment and defense attorney John **SHEA** replied: "It's a restriction on freedom."

Shea acknowledged it was a serious offense and that 90 days incarceration "feels more severe than home confinement," but he said the court is sentencing the person before him and shouldn't compare him to other Detroit-area officials who have recently been sentenced for criminal behavior -- arguably a reference to the corruption scandal that snared more than a dozen officials.

Shea said Johnson doesn't want to be defined by this event and that his incarceration will put "others in the lurch."

Leitman read a letter he received in which the writer -- Johnson's former staffer Brianna **EGAN** -- noted that she feels badly for Johnson's mother, whom he takes care of, and his children, but he continued his behavior "over and over again knowing he was putting this risk on them."

Shea said his client is remorseful and he also highlighted Johnson's Senate work, including pushing 31 bills through the Legislature as well as helping Highland Park out of insolvency and sparing six Detroit public schools from closure.

Leitman asked why Johnson should receive credit for "being a good legislator" when "he was elected to do that."

"He went above and beyond," Shea replied, adding that Johnson read to kids at elementary schools and advocated for residents in and outside his district.

What wasn't said in court about Johnson's tenure in the Senate is that he also had the worst attendance record in the state Legislature, according to MichiganVotes.org, which said Johnson missed 712 of 5,115 roll calls from 2010 to 2017.

Thornton pleaded guilty in February 2016 to conspiracy to commit federal program bribery for her part in a widespread corruption scandal involving the Education Achievement Authority that included making illegal kickback payments to a co-defendant. She was sentenced in April. (See "[Bert Johnson Witness Gets 1 Day In Prison In Her Corruption Case](#)," 4/12/18; "[Johnson Investigation Has Connection To Federal EAA Probe](#)," 3/29/17; and "[Feds Unveil Charges Against Former EAA Official For Kickbacks Scheme](#)," 12/10/15.)

## Federal Appeals Court Gives Graveline Chance To Make Ballot

Independent Christopher **GRAVELINE** still gets a chance to make the November ballot as a candidate for attorney general (AG), despite not initially garnering enough signatures to do so.

In a split ruling today, the U.S. Sixth Circuit Court of Appeals denied Secretary of State (SOS) Ruth **JOHNSON**'s request to stay a ruling ordering the state to allow Graveline on the ballot if at least 5,000 signatures -- less than 30,000 normally required -- can be verified on his petitions.

The majority's opinion -- written by Circuit Judge Karen Nelson **MOORE** and joined by Judge Ronald Lee **GILMAN** -- said the state hasn't shown it is likely to succeed in showing the lower court abused its discretion by entering a preliminary injunction.

"The numerical signature requirement here, in combination with the signature collection window and filing deadline, is a severe burden on independent candidates and those who wish to vote for them," Moore wrote. "Michigan's history reveals the severity of this burden. No independent candidate for statewide office has managed to complete a qualifying petition since the current laws went into effect in



1988."

Circuit Judge Richard Allen **GRIFFIN** dissented, saying he finds the state election laws "minimally burdensome, reasonable, nondiscriminatory, and justified by Michigan's regulatory interests."

"The district court's order arbitrarily requires Graveline to be placed on the statewide ballot if he obtained 5,000 nominating signatures - less than 0.17 (percent) of the votes cast in the last election for attorney general," Griffin said. "The order is without a basis in law and contrary to precedent from the Supreme Court and our court. It judicially creates an unreasonable low threshold for ballot access for this independent candidate."

Griffin also noted that not granting a stay would cause "irreparable harm" to the state and "to the qualified candidates for Michigan Attorney General by the irreversible decision to place an unqualified candidate on the General Election ballot who will garner votes from the qualified candidates."

Graveline sued the SOS in July after his petitions, containing more than 14,000 signatures, were rejected for falling short of the required 30,000 signatures needed. He claims the state law is too burdensome for independent candidates. (See "[Former Assistant U.S. Attorney Misses Needed Sigs For AG Race](#)," 7/19/18.)

U.S. District Judge Victoria **ROBERTS** agreed, ruling in August Graveline makes the Nov. 6 ballot if the state validates 5,000 signatures. (See "[Judge Gives Graveline Chance To Make November Ballot For AG](#)," 8/27/18.)

The state asked Roberts for a stay, and the judge denied the request, prompting the appeal to the Sixth Circuit. (See "[State Seeks Stay On Order Validating Graveline's Petitions For AG](#)," 8/29/18.)

It was not immediately known what step the SOS may take since the deadline to certify ballots is Friday - the day the Board of State Canvassers is expected to hear from the SOS on Graveline's petitions.

SOS spokesman Fred **WOODHAMS** said the office will have to review the Sixth Circuit's opinion.

Currently on the ballot for the AG race is Democrat Dana **NESSEL** and Republican Tom **LEONARD**, both of whom were chosen at their respective state party conventions in August.

## Biggest Senate Spends Didn't Always Win Primaries

The Senate primary candidates with the deepest pockets didn't always walk away with a victory. In fact, [a review of post-primary reports](#) filed by today's Bureau of Elections deadline showed that the four candidates who spent the most amount of money in their respective primaries didn't advance to the General Election.

Top on the list is former 34th Senate District candidate Holly **HUGHES** (R-Montague), who reported spending \$1.15 million, but lost to Jon **BUMSTEAD**. Michelle **DEATRICK** spent \$349,806 but lost the Democratic 18th Senate District primary to Jeff **IRWIN**.

The Republican 19th Senate district runner-up, Mike **CALLTON**, spent \$289,872, which is more than the eventual primary winner, John **BIZON**.

And in the 30th District, Rep. Daniela **GARCIA** (R-Holland) lost her Republican primary, but still spent \$287,309 in the primary.

A *MIRS* review of the data shows that in 31 Senate primary races flagged by *MIRS*, the candidate who spent the most amount money won 17 or 55 percent of the time.

Of 13 potentially competitive Senate districts, the Republicans have more cash on hand in eight. Democrats have the cash-on-hand advantage in the other five.

Republicans have the financial advantage going into the General in the:

- 7th District, Rep. Laura **COX** (R-Livonia) is up \$225,720 to Democrat Dayna **POLEHANKI**'s \$46,428.

- 13th District, Sen. Mary **KNOLLENBERG** (R-Troy) has a \$147,608 to \$123,547 cash on hand advantage on Mallory **McMORROW**.
- 15th District, Rep. Jim **RUNESTAD** (R-White Lake) has \$130,574 in cash on hand compared to the \$16,066 that Democrat Julia **PULVER** has amassed.
- 17th District, Sen. Dale **ZORN** (R-Ida) has \$82,193 in the bank compared to Democrat Bill **LaVOY**'s \$5,938.
- 20th District, Sen. Margaret **O'BRIEN** (R-Oshtemo Twp.) has more cash on hand than Democrat Sean **McCANN**, \$184,697 to \$135,792.
- 29th District, Rep. Chris **AFENDOULIS** (R-Grand Rapids Twp.) has more cash on hand than Rep. Winnie **BRINKS** (D-Grand Rapids), \$227,477 to \$223,909
- 32nd District, Sen. Ken **HORN** (R-Frankenmuth) has \$160,156 to Rep. Phil **PHELPS**' \$22,194.
- 34th District, Jon **BUMSTEAD** has \$7,884 left over while Poppy **SIAS-HERNANDEZ** is at \$2,406.

Democrats have cash advantage numbers in the:

- 10th District, where Republican primary winner Michael **MacDONALD** has \$1,546 in cash on hand compared to Rep. Henry **YANEZ** (D-Sterling Heights), who has amassed \$93,649 since he didn't have primary.
- 12th District, where Democrat Rosemary **BAYER** edged Republican primary winner Rep. Mike **MCCREADY**, who beat Rep. Jim **TEDDER** (R-Clarkston).
- 24th District, with Kelly **ROSSMAN-McKINNEY** having \$82,048 to Rep. Tom **BARRETT**'s \$40,923.
- 31st District, where Bay County Clerk Cynthia **LUCZAK** had \$23,204 in the bank while Republican Kevin **DALEY**, fresh off a competitive primary win, had \$16,028.
- 38th District, Rep. Scott **DIANDA** (D-Calumet) has \$113,735 to Republican Ed **McBROOM**'s \$52,657.

Former Rep. Lorence **WENKE**, now a Libertarian candidate for the Senate, is reporting the largest amount of debt (\$470,281), followed by Hughes (\$280,000), Bob **GENETSKI** (\$181,078) in the 26th race, and 19th District winner, Rep. John **BIZON** (R-Battle Creek), who is \$180,640 in the hole.

Rep. Roger **VICTORY** (R-Hudsonville) has \$179,700 in debt after his 30th House District primary win.

Deatrck raised the most amount of money for the reporting cycle (\$146,489). Cox raised the second-largest amount at \$181,568, followed by Hughes at \$73,100 and Afendoulis at \$47,635.

For the election cycle, Hughes' \$1.16 million was the largest haul. Afendoulis was the second-largest fundraiser with \$472,973, followed by Sen. Wayne **SCHMIDT** (R- Traverse City), who is at \$392,993. Deatrck garnered \$349,806 while Kelly **ROSSMAN-McKINNEY** raised \$343,873. O'Brien brought in \$335,021.

## House Candidates Raise \$11M In Primary Elections

Nearly \$11 million has been raised so far by state House incumbents and challengers this campaign cycle, according to **post-primary financial data** submitted by today's campaign finance deadline to the Secretary of State.

Incumbents and challengers in the state's more competitive House district led the way, with presumed 2019-20 Republican leader, Rep. Lee **CHATFIELD** (R-Levering) having raised a chamber-best \$268,778, followed by four Democrats -- Rep. Jon **HOADLEY** (D-Kalamazoo) (\$206,317), Rep. Darrin **CAMILLERI** (D-Brownstown Twp.), Rep. Donna **LASINSKI** (D-Scio Twp.) and 62nd House District



candidate Jim **HAADSMA** with \$165,970.

As for dollars spent, Hoadley (\$231,444) and Haadsma (\$165,970) have spent the most amount of money this campaign, but successful 63rd state House candidate Matt **HALL**, who unseated Rep. Dave **MATUREN** (R-Brady Twp.), reported spending \$162,998. Maturen spent \$132,158 trying to save his seat.

Hall has the largest debt load among House candidates with \$175,306 in personal debt after the primary. Rep. Jeff **YAROCH** (R-Richmond) is next with \$96,785 and Rep. Hank **VAUPEL** (R-Fowlerville) still has \$85,000 in debt. Rep. Steve **MARINO** (R-Mt. Clemens) is in the hole \$81,000.

Unsuccessful 93rd House candidate Madhu **ANDERSON** has \$70,202 in debt to lead the largest debt load for unsuccessful candidates.

Going into the Nov. 6 General Election, Republican candidates have the cash on hand advantage in 12 of the **22 districts flagged by MIRS**. The district numbers are 17th, 19th, 20th, 24th, 30th, 38th, 40th, 61st, 63rd, 91st, 99th and 107th.

Democratic candidates have the cash on hand advantage in the 25th, 39th, 41st, 62nd, 71st, 76th, 78th, 101st, 104th and 110th.

## Voting Access Amendment OK'd For Ballot, Marijuana Gets Its Language

(DELTA TWP) -- A proposed constitutional amendment that would make a number of voting access changes -- including ensuring straight-ticket voting in Michigan -- was unanimously approved for the November ballot by the Board of State Canvassers (BSC) today.

The proposal, backed by Promote the Vote, would also institute no-reason absentee voting and allow more time for voters to register. People would be allowed to register to vote by mail or in person until 15 days before an election, and after that, they may register in person before an election official with proof of residency, up to and on Election Day.

The amendment would also enshrine the straight-ticket voting in Michigan's Constitution, which a federal appellate court struck down Wednesday. The ruling granted the state's requested stay on a previous court ruling that struck down a Legislature-approved ban on straight-ticket voting (See "**Straight-Ticket Voting Off November Ballot Following Appeals Court Ruling**," 9/5/18).

With BSC approval today, the voting access amendment joins the redistricting commission amendment and the recreational marijuana legalization initiative proposal on the statewide ballot for November.

"We are excited that eligible Michigan voters will have the opportunity to consider these common-sense reforms that will bring voting in our state into the 21st Century," said Todd **COOK**, campaign director for Promote the Vote, in a statement. "We are confident that the broad coalition of supporters who successfully gathered signatures for this campaign will help us to victory on Election Day."

### Marijuana Legalization Language Gets Tweaks Before Approval

The marijuana proposal, backed by the Coalition to Regulate Marijuana Like Alcohol (CRMLA), had its official ballot language approved by the BSC today.

The BSC started with the language drafted and presented to it by state Elections Director Sally **WILLIAMS**.

But at the suggestions of GOP BSC members Colleen **PERO** and Norm **SHINKLE**, as well as an attorney representing opposition group Healthy and Productive Michigan, the BSC approved tweaks to the language that CRMLA attorney John **PIRICH** said the group found "acceptable."

The original draft of the language said the revenue from the tax set on commercial sales of marijuana would be "earmarked" to go toward schools, roads and municipalities where marijuana businesses are located.

Yet Troy **CUMINGS**, legal counsel for Healthy and Productive Michigan, said the description leaves out the fact that tax revenue also goes toward implementation costs and clinical trials. Cumings said the original description could give the impression all the money is going to roads and schools when that's not the case.

The language was redrafted to include that the revenue goes toward those additional purposes, as well as to the roads, schools and municipalities.

Cumings, as well as Shinkle, also wanted the description to mention that CRMLA's proposal would reduce the current criminal penalties for marijuana, with Shinkle calling it a "dramatic change" from current law.

The redrafted and approved language now includes a line that says the proposal would "change several current violations from crimes to civil infractions. "The Secretary of State (SOS) dropped a few parts of the original language to fit within the 100-word limit, including dropping the list of types of businesses that can be licensed, like growers and processors.

CRMLA spokesperson Josh **HOVEY** said today the approved ballot language doesn't explain "that there are many more restriction(s) in place than what has been approved," examples including "communities will have the authority to restrict or ban marijuana businesses; driving under the influence will remain strictly illegal; businesses will retain their right to test and ban their employees from using; and public consumption would still be strictly illegal."

The language approved by the BSC today for the marijuana proposal is as follows:

*"A proposed initiated law to authorize and legalize possession, use and cultivation of marijuana products by individuals who are at least 21 years of age and older, and commercial sales of marijuana through state-licensed retailers*

*This proposal would:*

- Allow individuals 21 and older to purchase, possess and use marijuana and marijuana-infused edibles, and grow up to 12 marijuana plants for personal consumption.*
- Impose a 10-ounce limit for marijuana kept at residences and require amounts over 2.5 ounces be secured in locked containers.*
- Create a state licensing system for marijuana businesses and allow municipalities to ban or restrict them.*
- Permit retail sales of marijuana and edibles subject to a 10% tax, dedicated to implementation costs, clinical trials, schools, roads, and municipalities where marijuana businesses are located.*
- Change several current violations from crimes to civil infractions."*

For the original version of the language drafted by the SOS, see ["Proposal 1 On November Ballot: Marijuana Legalization,"](#) 8/31/18. For what CRMLA wanted, see page 2 of [this document](#).

#### *SOS Issues Voting Access Amendment Draft Language*

Next up on the Canvassers' to-do list at its meeting Friday is to assign ballot designation and ballot language for Promote the Vote.

The SOS released draft language Thursday afternoon for the voting access amendment, expected to be Proposal 18-3. Here's what the language looks like:

*"A proposed constitutional amendment to authorize automatic and Election Day voter registration, no-reason absentee voting, and straight ticket voting*

*This proposed constitutional amendment would allow a United States citizen who is qualified to vote in Michigan to:*

- Become automatically registered to vote when applying for, updating or renewing a driver's license or state-issued personal identification card, unless the person declines.*

- Simultaneously register to vote with proof of residency and obtain a ballot during the 2-week period prior to an election, up to and including Election Day.

- Obtain an absent voter ballot without providing a reason.

- Cast a straight-ticket vote for all candidates of a particular political party when voting in a partisan general election."

Cook, campaign director for Promote the Vote, said the proposed language "completely ignores" three of the seven provisions made in the amendment, and in some of the ones listed, he said it doesn't "fully outline what the changes are."

For what the group wanted as its language, see page 15 of [this document](#).

### What's Left For Canvassers To Do?

Also on the BSC agenda Friday is a report on the petition signatures filed by Christopher **GRAVELINE**, the independent Attorney General candidate seeking to get on the ballot (See related story; and ["Judge Gives Graveline Chance To Make November Ballot For AG,"](#) 8/27/18).

And the BSC will finalize the recounts commenced in the 5th, 12th and 94th House Districts on Friday (See related story).

The BSC has already taken care of Voters Not Politicians (VNP), the sponsor of the redistricting proposal, which had its language and ballot designation, Proposal 18-2, approved last week after the group asked a court to force the BSC to act (See ["COA: VNP Will Get Its Ballot Language OK'd By Aug. 31,"](#) 8/23/18).

And the minimum wage hike and paid sick leave proposals won't be appearing on the ballot after the Legislature enacted both on Wednesday during session (See ["House, Senate Pass Paid Sick Leave, \\$12 Minimum Wage,"](#) 9/5/18).

## **No Panel Vote Taken On National Popular Vote Issue**

Michigan would join a compact of states that would automatically give their electoral votes to the presidential candidate who receives the most votes nationally under legislation, discussed today but not voted on in Senate and House committees this morning.

Supporters of the bill dominated the testimony at the hearings. No one representing opposition to the bill testified.


Over in the Senate Elections and Government Reform Committee, after most of the testimony had concluded, Sen. Mike **SHIRKEY** (R-Clarklake) asked committee Chair Sen. David **ROBERTSON** (R-Grand Blanc) why he wasn't having the committee take a vote.

"I think it's beyond the capacity of human thought to accurately predict what the outcome of such a change would be, but I've heard very little argument against the fact that what's currently existing just doesn't seem correct," Shirkey said. "This provides a way for states to preserve their outcomes ultimately yet tests an idea that will allow maybe a different process to engage more voters.

"So, I'm revealing my prejudice on this particular issue and asking you, sir . . . I'm not quite sure why we would wait to vote," Shirkey concluded.

Robertson's response was short and straight forward.

"We're waiting to vote because it's my discretion to call for it," the Grand Blanc Republican said.

If  **SB 1117** were enacted, Michigan would join the National Popular Vote Compact, which already includes 11 states and the District of Columbia. If the compact reached a point where the total Electoral votes of states that had joined it equaled 270 or more, the states in the compact would be committed to earmark all of their Electoral votes for whichever presidential candidate won the national popular vote (See ["National Popular Vote Compact Trying To Win Over GOP Post Trump,"](#) 3/13/17).

Sen. David **HILDENBRAND** (R-Lowell), the sponsor of 🐾 **SB 1117**, told the committee that his legislation has nothing to do with changing the U.S. Constitution or getting rid of the Electoral College and that there was a lot of time and thought behind his support for the measure.

"I've spent the last eight-to-10 years delving into this issue," Hildenbrand said. "This would enter Michigan into the National Popular Vote Interstate Compact. Nothing would change until states equaling 270 or more Electoral votes enter the compact."

"I got tired of hearing about battleground states," Hildenbrand continued. "I just think it makes sense to say every vote counts."

Former California lawmaker Ray **HAYNES** told the committee that possibly the best speech he ever made in his career was against the National Popular Vote Interstate Compact. However, he ultimately changed his mind partly due to his experience as a backer of George W. **BUSH** in 2000.

"Basically, Carl **ROVE** told us: 'Thanks for all the money guys (the approximately \$70 million we had sent) but we're abandoning California and spending it in Florida,'" Haynes recalled. "In my opinion it was right for the campaign, but bad for California."

Haynes said that of the lawmakers who have sponsored legislation to join the National Popular Vote Compact in various states around the nation, 156 have been Republicans and 162 have been Democrats.

"Most people think the person who gets the most votes deserves to win the election," Haynes said. "The founders left it up to the states to decide how they determine their Electoral votes because they couldn't agree about how it should be done."

Haynes also argued that many voters, such as Republicans in California, don't bother to turn out on Election Day because they sense that their votes won't make any difference, but if every vote nationally counted equally, they'd be more likely to turn out.

"Voter turnout was 10 percent higher in battleground states," he said.

In addition, Haynes asserted that the compact ultimately keeps the states in control over their Electoral vote process and election laws.

In response to a question posed by Robertson, Vermont State Senator Chris **PEARSON** said his main problem with the current system is with the winner-takes-all provisions that the vast majority of states have. He also presented a brief history of the various ways states have determined how their Electoral votes were to be cast since the founding of the United States.

"Now we're in a situation where roughly 35 states are more or less taken for granted every presidential election," Pearson summed up. "Could we really imagine the founders being satisfied that 35 states have the power of awarding their own electors and they are continuing to basically make themselves irrelevant?"

Hillsdale College professor Gary **WOLFRAM** testified in favor of 🐾 **SB 1117**, stating that he -- like Haynes -- had initially opposed joining the National Popular Vote Compact, but had since changed his mind.

"Of 399 general election presidential campaign events in the 2016 election, 94 percent of those were in 12 states," Wolfram pointed out.

As it turns out Congress pays more attention to these "fly-over" states when setting policy and budget allocations, testifiers told the House Elections and Ethics Committee today as it considered a bill to join the National Popular Vote (NPV) Interstate Compact.

🐾 **HB 6322**, sponsored by Rep. Tim **KELLY** (R-Saginaw), also would have Michigan join the compact. If enough states join, the state would award its electoral college votes to whomever wins the popular vote nationwide. Currently, those electoral college votes go to whomever wins the popular statewide. No Constitutional amendment is necessary and if the state later decides it doesn't like how the system works, it can withdraw from the compact.

"I feel as though from my chair's position that there is pretty good support in committee so I think our plan will be to eventually pass it out of committee," Elections and Ethics Committee Chair Aaron **MILLER** (R-Sturgis) said after the hearing. "There are not guarantees. All bets are off. There is not a master plan."

Miller anticipates a committee vote in the end of September or early October.

"A national popular vote has never been tried, so it is something that is completely unknown, completely theoretical. It is crystal ball stuff. So given that, I have a little bit of apprehension, given that it's new. But I have looked into the issue enough . . . (and it) became clear to me, I believe this will be a good option, even though it has never been tried. I think I will be a good option for Michigan."

Kelly said battleground states now tend to be favored by presidents and the candidates who curry their votes.

"Right now battleground states get the majority of federal funds and in lots of cases they drive federal policy, and that would change the dynamic of how we operate," Kelly contends, if enough states join the compact.

Rep. Adam **ZEMKE** (D-Ann Arbor) reports that he originally wanted to introduce this proposal because he feels it would give Michigan more relevance instead of often being relegated to a fly-over state.

"I would like to strengthen our influence," he said, noting that had this system been in place Hillary **CLINTON** would have the title of president in front of her name. "That's one thing, but the popular vote would be good so that all states would have influence," he said.

Miller disputed that last point in committee discussion. It's hard to predict the future and no one has a crystal ball, he said. But if the rules on how electoral votes are awarded are changed, it would change how presidential candidates play the game. They'll campaign differently.

He contended the national popular vote proposal would make all voters ballots count nationally.

## In Some Ways, The Cherry Doesn't Fall Far From The Tree

His name is John Daniel **CHERRY**. There's no "junior" or "the third" attached to his name. His father, former Lt. Gov. John Darrell **CHERRY Jr.**, was the son of John Darrell **CHERRY Sr.**

So, there's that. Also, he lives in Flint, not in Clio where he was born or Vienna Township where his father and mother, Rep. Pam **FARIS** (D-Vienna Twp.) still reside.

The 33-year-old and his wife, Teresa **VILLACORTA**, went through the stress of having their now 18-month-old daughter tested for lead poisoning, even though they took every precaution to make sure Teresa didn't consume tap water.



John Daniel Cherry also is in line to represent the 49th state House District, which is made up of parts of the city of Flint, Flint Township and Mount Morris. It's not the 48th District, the northern Genesee County district his mother represents, a district that roughly resembles the territory his father covered as a state House member in the 1980s.

Now that the differences between John and his folks are out of the way, let's talk about the similarities.

They all enjoy being outdoors - hunting, fishing and hiking. In fact,

when John Daniel lost interest in pursuing political science as a major at the University of Michigan-Ann



Arbor, he switched to the School of Natural Resources and received his bachelor's in that school.

The Cherrys are all big University of Michigan fans. John Daniel stayed in Ann Arbor after getting his bachelor's, earning a master's in public policy in 2009.

And then there's the similarity in public service. John Darrell Cherry, Jr.'s more than 20 years of legislative service ended when he became Gov. Jennifer **GRANHOLM**'s lieutenant governor for two four-year terms.

Faris is wrapping up her last allowable term in the state House after having served on the Mott Community College Board, the Michigan's Women Commission and the Genesee County Prosecutor's Office.

Now, after a stint on the Flint Charter Commission, John Daniel Cherry is in a position to serve his first House term in 2019 after having received 47 percent of the vote in a six-candidate Democratic primary field that also included former Flint Mayor Dayne **WALLING**.

He'll face Republican Patrick **DUVENDECK** in a district with a 68 percent Democratic base.

The fuel for Cherry running for the state position went back to the state's role in creating the atmosphere for the Flint water crisis. Watching his screaming infant daughter get pricked and prodded while nurses desperately sought a vein in her little arm for a blood sample that could be tested for lead poisoning was an image that Dad may never shake off.

He's still agitated that the state cut off bottled water supplies to Flint residents who are having trouble believing their public water supply is safe. Also, how can his water bill hover around \$100 a month when he only uses it for showers, washing and toilets?

He brings in water coolers and water jugs for drinking and he doesn't water his lawn. According to Food & Water Watch, Flint has the nation's highest public water rates with annual bills averaging \$864.

"Do we have safe water? Maybe for some, but I don't think we have a financially viable water system. For me, I can do \$100 a month because I have a decent income," he said. Many others in Flint can't.

Consider this. According to the Department of Technology, Management and Budget (DTMB) statistics, Flint's per capital personal income - that's not including Social Security, pension income or welfare - was only \$3,860 in 2016 down from \$21,400 in 2002.

"You can't squeeze blood out of a turnip," he said.

So while public officials may be working to improve water quality, the cost of supplying water to residents is not.

"The stuff we do as public servants have human consequences and we shouldn't forget that," Cherry said. "There's also the human consequences of the state's actions in the unemployment insurance issue. We have people losing their homes, declaring bankruptcy. That's now how government should be treating its citizens."

To be sure, Cherry has always been around government and elections. Born in 1985, the younger Cherry can remember stuffing envelopes in old campaign headquarters and union halls with now-Rep. Tim **SNELLER** (D-Burton), a longtime Cherry staffer.

After receiving his master's degree, he worked with a private recycling company and some environmental contract work before he landed a job with the combined Department of Natural Resources and the Environment (DNRE).

Once the departments split up, Cherry stayed with the Department of Natural Resources doing grant work until he was promoted to be the department's performance management coordinator. There, he helps iron out on-the-job wrinkles between agencies on such issues as deer hunting permits issuances for farmers dealing with crop damage.

In whatever free time he has, he helps Teresa with the family business, the Flint Coffee Company. Teresa's family has a small farmstead in Amazonas region of Peru. They ship up to Flint coffee beans that the Cherrys roast in their own facility. The Flint Coffee Company has grown to also sell coffee grown from other sustainably produced locations from around the world.




A Gesha variety entered by her brother-in-law into a national contest received a "cup of excellence" award.

At times, he confesses his varying responsibilities have him burning the candle at both ends. It's a trait he thinks he picked up from his mother, who is also known for her hard work and extra-curricular activities.

Asked what traits he picked up from his old man, Cherry said his father's staff always joked that they'd receive emails and messages from him at odd times. Whenever a thought came into his head - whether it came from mowing the lawn on the weekend or from some 3:30 a.m. epiphany - he'd send out the thought as something that needed to happen.

"I guess I come up with a lot of 3 a.m. conclusions, too," he laughed.

## Panel Partial To Keeping Student Scores 40% Of Teacher Eval

Student test scores are set to become a bigger part of teacher evaluations, moving from 25 percent of the evaluation to 40 percent this school year. Rep. Aaron **MILLER** (R-Sturgis) is proposing legislation,  **HB 5707**, to keep it at 25.

That did not sit well with some members of the House Education Reform Committee, which took up the bill today.

"The problem here is that we are only two years into the implementation of this evaluation system and we are already moving a goal post so we are already giving our teachers a chance to actually not meet the standards in law. So this is just a very frustrating conversation to me," said Rep. Daniela **GARCIA** (R-Holland).

"We have teachers that are afraid of being evaluated," said Rep. Pamela **HORNBERGER** (R-Chesterfield Twp.) ". . . Personally, I think we need to stick with something and see how it's working and go from there. . . If teachers are struggling to meet them then we need to help them meet those goals."

Law set in 2015 set student growth and assessments as 25 percent of teacher evaluations for three years. That law increased the percentage to 40 percent in the 2018-2019 school year (See "**Why Has Teacher Evaluation Bill Become So Political**," 7/2/15).

Miller thinks that's a bad idea.

"It sounds good on paper because that's how all jobs operate. I cited my own experience of working in a factory to put myself through college," Miller said. "I worked in a factory and it was very easy to tell if I did a good job or not. You could look at my product and say you did a horrible job, that looks bad, or you did a great job . . . I knew exactly how to do a good job and affect the product to make it look good going out the door. It was a good job. That is not true with education in that you are dealing with human capital."


Miller said he would like to permanently keep the percentage at 25 percent because testing does not provide a complete picture of a student's growth or how an individual teacher influenced that.

"Teachers do affect students and can do wonderful things in their lives. I'm not discounting that. But what I pointed out in committee was that academically it is very, very difficult to take a human being, to take 150 human beings that you have in your classroom, and say, 'Here, make them grow and make them improve and we are going to grade you upon it,'" he explained.

Rep. Adam **ZEMKE** (D-Ann Arbor) said he wanted to remind committee members that the remaining 75 percent of those evaluations are evidence-based measures that have been shown to move the needle.

"Committee members are pretty deep set where they are at on this issue," Miller said. "My hope is to change the few minds I can to help this move. I think if we can get it out of committee, we can make the case on the floor to get this passed."

## Hemlock Semiconductor Rate Cut Gets Hearing In Senate

 **HB 5902**, which would clear the way for Hemlock Semiconductor, the state's largest electricity user, to get a special lower rate on electricity -- if it were approved by the Michigan Public Service Commission (MPSC) -- was before the Senate Energy and Technology Committee today. The measure is sponsored by Rep. Dan **LAUWERS** (R-Brockway). It was passed by the House in May by a 77-31 margin.

No votes were taken on the measure today, however, Committee Chair Sen. Mike **NOFS** (R-Battle Creek) told his colleagues he expected to vote on it soon.

"I plan to vote on this later this month or in October," Nofs said. Hemlock Semiconductor is the only U.S.-headquartered manufacturer of polysilicon, a substance used in virtually all computers, cell phones and solar panels. The company uses so much electricity that it is actively pursuing construction of its own power plant.


According to testimony in committee, if and when the company switches to its own plant, the loss of revenue suffered by its electric provider, Consumers Energy (CMS), is estimated to be \$60 million. That situation would cause CMS to hike its rates on its other customers to make up the difference. (See 'Hemlock Energy Bill Passes House, 05/17/18).

"We use as much electricity as Lansing and Ann Arbor combined," said Brooke **BEEBE**, vice president of Hemlock's external affairs team. "We run our operations 24-7."

According to Consumers Vice President and Deputy General Counsel Shuan **JOHNSON**, Hemlock's electricity consumption represents roughly 7 percent of the energy that CMS produces, which is more usage than what the utility's next nine largest customers use combined.

"So, it would be a \$30 million increase (in costs to the other CMS customers) if we approve this bill?" Sen. John **PROOS** (R-St. Joseph) asked. "But \$60 million if they (Hemlock) end up building their own plant?"

Johnson confirmed that this description by Pross was essentially the gist of the situation.

Sen. Mike **SHIRKEY** (R-Clarklake) asked Beebe if there had been any discussions with ABATE (Association of Business Advocating Tariff Equality) about  **HB 5902**.

"Yes, we've discussed this with them," Beebe said. "They are neutral on the bill."

Sen. Ken **HORN** (R-Frankenmuth), a strong proponent of the legislation, testified that it represented an agreement between "two big industrial titans."

This caused Shirkey to ask if there is already what amounts to an unofficial contract between Hemlock and CMS locking in the new proposed lower rate.

Johnson's answer was "no."

"I assure you that it will all be litigated," Johnson said.

Shirkey also suggested that MPSC ought to be brought into the discussion.

"I think this committee may have questions for MPSC," Shirkey said.

However, Nofs didn't seem interested in that idea.

"I think that's for a future Legislature if they want to do it," the Battle Creek Republican said.

There were also concerns raised that the apparently pending deal between Hemlock and CMS might spur other heavy users of electricity to seek special rates.

Beebe responded to this by pointing out that Hemlock's extremely high electricity usage made the company a very unique customer.

The committee adopted a substitute version off 🐾 **HB 5902**, which according to testimony included primarily technical changes.

The only group opposed to 🐾 **HB 5209** based on cards turned into the committee, is the Michigan Environmental Council.

The committee also discussed, but took no votes on, 🐾 **SB 1050**, sponsored by Sen. Jim **STAMAS** (R-Midland), which would allow broadband suppliers access to public right of ways, giving them a similar status as cable TV providers and other similar entities have.

"Eighty percent of my district is current unserved by broadband," Stamas told the committee.

In addition, the panel discussed 🐾 **HB 5837**, legislation that would allow a municipal unit or political subdivision of another state or Canadian province to become a member of, or withdraw from, a joint agency, if it met certain requirements. 🐾 **HB 5837** was passed unanimously in the House.

## Who Is Keith Butkovich?

If it comes up on a quiz somewhere between now and the November election you will stun and amaze your friends by knowing the answer to the question: Who is the Natural Law candidate for governor?

It's 34-year-old Michigan native Keith **BUTKOVICH** (Butt-ko-vich).

"Could you interview me?" came the call out of the blue last week from Butkovich, who was eager to tell his story about running for governor in what can best be described as an uphill climb.

So there he was, waiting patiently near the Capitol steps ready to answer some critical questions about his candidacy.

"Does my hair look OK?" he asked as the TV camera switched on sounding like most career politicians, which he says he is not.

If everyone from your party showed up at the same time, how many would be there?

"Not a lot," he professed. When pushed for a hard number he reported, "Ten."

Anyone of them your relatives?

He laughed and indicated none of them.

So what does the Natural Law Party stand for?

He reported it has its roots are based on the teachings of the "Maharishi" who did not start the movement but "endorsed it" Mr. B. indicates. Then, over time, "that movement broke up, but the Michigan chapter stayed on" deciding to move toward an independent system whereby if you want to run, you run. No nominating conventions, no speeches, no nothing.

"I wasn't satisfied with the two political parties," he explained his move to this independent party. "The two parties are not working with the same old ideas along with the complaining and the fighting."

Given that he says there is no way he could support Gretchen **WHITMER** or Bill **SCHUETTE** for the office he seeks.

Has he raised any money?

Not really confessing it's just sort of "me, myself and I."

As for his chances of winning, he has a head and heart answer.

"I think I can win in my heart, but in my head, I'm a realist. The main thing is to get my ideas out there."

After the TV camera was turned out, he confessed, "Boy, I was nervous. I'm used to radio but not TV,"

he said, while thanking the reporter for the chance to get some free coverage of which he may get very little of from this point forward.

## Johnson Wins By 9 Votes, Instead Of 7, In HD-5 Dem Primary Recount

Cynthia **JOHNSON** will keep her narrow victory margin as the Democratic nominee for the 5th House District, as unofficial recount results show her seven-vote win increased to a nine-vote win.

Second-place finisher Rita **ROSS** had requested the recount, and despite picking up 14 extra votes, she still fell behind Johnson, who gained 16 additional votes in the recount of 104 precincts. There were nine precincts deemed not re-countable.

A previous version of this story indicated Johnson won by 11 votes as a result of the recount, which was later corrected by the Secretary of State (SOS).

The Board of State Canvassers (BSC) must still officially finalize the results of the three legislative district recounts, and is scheduled to consider action on Friday (See ["Recount Deadline Closes With 3 Requests,"](#) 8/27/18).

Alex **GARZA** is still the winner in the 12th House District Democratic primary (See ["Garza Still Winner After HD-12 Recount; Recounts In HD-5, HD-94 Underway,"](#) 9/5/18).

Results for the recount in the 94th House District Republican primary weren't immediately available yet today, where Steve **GERHARDT** requested a recount of the election he lost to Rodney **WAKEMAN** by 40 votes.

## 'Public Innovative District' Schools Would Opt Out Of State Rules

School districts could apply to the Michigan Department of Education (MDE) to become a public innovative district (PID), which would allow them to waive state restrictions on how they must operate under two bills, 🐾 [HB 6314](#) and 🐾 [HB 6315](#), introduced by Rep. Tim **KELLY** (R-Saginaw) and taken up today in his House Education Reform Committee.

PIDs would be exempt from general rules for determining the hours of pupil instruction or calculating the full-time equivalency of students under the State School Aid Act.

"You can't get more 'local control' than this bill," Kelly told the committee today. "It would primarily have districts seek permission from the Michigan Department of Ed or the state Superintendent to run an innovative district and, with that innovation, basically lift all time constraints, seat time waivers, that sort of thing.

"Over the years, I've seen where waiver after waiver, year and year, is requested of the Department of Ed and I'm tired of seeing districts have to go through this mother-may-I process every year. So this addresses that. Also, traditional public schools always say, 'Well I wish we could operate more like charter schools.' So here is an opportunity for that."

A school district operating as a PID would be required to develop or adopt, and implement, an instructional program that includes procedures for diagnosing pupil learning needs, methods and strategies for teaching that incorporate those needs, resource-based learning opportunities, techniques for evaluating student outcomes, and provisions for remedial instruction.

The bill would create a 13-member Education Accountability Policy Commission. If a district's application was denied, the commission would hold a hearing on the application within 30 days, giving representatives of the school district an opportunity to refute the basis of the denial.

The committee heard testimony from Kenowa Hills Public Schools Superintendent Gerald **HOPKINS** and Assistant Superintendent Mike **BURDE** on how it launched a program based on Competency Based Education ideals in 2012. The committee did not vote on the bills.

## Bits And Tidbits

### [Chatfield Paid \\$250 Fine After Gun-In-Airport Incident](#)

Speaker Pro Tem Lee **CHATFIELD** (R-Levering) ended up paying a \$250 fine after bringing an unregistered gun into an airport, according to [a report from Interlochen Public Radio](#).

Chatfield was charged with a civil infraction and had to pay a \$250 fine after he was caught with his loaded unregistered handgun in his book bag while trying to board a plane at Pellston Regional Airport. Chatfield said he forgot to take it out of his bag (See ["Chatfield Briefly Detained 2 Weeks Ago For Forgetting Pistol In Carry-On,"](#) 7/31/18).

According to the report, it's now up to the Transportation Security Administration to decide if it will also fine Chatfield. A spokesperson for the TSA says it can take them a couple months to decide on a penalty.

### [Republicans Salute Richard DeVos Sr. After His Death](#)

Elected Republican officials paid tribute today to Richard **DeVOS** Sr., who passed away at the age of 92, according to the [Detroit Free Press](#) today, which reposted a [WZZM-TV](#) story.

Gov. Rick **SNYDER**, Lt. Gov. Brian **CALLEY**, House Speaker Tom **LEONARD** (R-DeWitt), U.S. Rep. John **MOOLENAAR** (R-Midland), U.S. Rep. Bill **HUIZENGA** (R-Zeeland), U.S. Rep. Mike **BISHOP** (R-Rochester Hills) all honored the co-founder of Amway, and Michigan Republican Party Chair Ron **WEISER** issued a statement as well.

"It's hard to imagine what West Michigan would look like without Richard DeVos," Huizenga said in a statement. "Rich was as approachable and as down to earth as they come. He exhibited the type of servant leadership that makes West Michigan such a special place. Through his philanthropic activities, Rich led by example, created new opportunities for countless West Michigan residents, and strived to make our community an even greater place to call home. While his legacy will live on, his leadership and friendship will be deeply missed."

### [Leonard Calls For End To MITA-Operating Engineers Dispute](#)

House Speaker Tom **LEONARD** (R-DeWitt) today demanded an end to the dispute between the Operating Engineers 324 and the Michigan Infrastructure and Transportation Association (MITA), calling the work stoppage "unacceptable" (See ["Long-Simmering Labor Dispute Leads MITA Contractors To Lock Out Workers,"](#) 8/31/18).

"The negotiation tactics being acted out are hurting Michigan's progress, and they threaten our state's future," Leonard said in a statement. "Both sides sitting at the table need to figure this out as soon as possible and get back to work. The people of Michigan want to see their roads fixed, and they want to see their roads fixed now. The state Legislature put more than a \$1 billion in new funding into statewide road repairs in recent years, and I pushed earlier this year to get \$175 million of our state's budget surplus spent a year ahead of time so we can get these critical road repairs underway as soon as possible."

### [Peters, Stabenow Tell EPA To Hold PFAS Meeting In Michigan](#)

U.S. Sens. Gary **PETERS** (D-Bloomfield Twp.) and Debbie **STABENOW** (D-Delta Twp.) today called on the U.S. Environmental Protection Agency (EPA) to hold a PFAS community engagement meeting in Michigan.

Earlier this year, the EPA announced plans for a forum in Michigan on PFAS, but it has yet to schedule this forum, according to a press release issued by Peters and Stabenow.

"Given PFAS are a large class of over 3,500 industrial chemicals, only a handful of which have received monitoring attention to date, we fully expect more Michiganders, and more Americans nationally, face PFAS contamination from a variety of sources and exposures," the Senators wrote to the EPA. "We ask that you help ensure the residents of Michigan have an opportunity to have direct communication with EPA experts by scheduling a public PFAS forum in state."

### Stevens Earns Support From UAW Region 1 For MI-11 Seat

The UAW Region 1 endorsed Democrat Haley **STEVENS** for the 11th Congressional District.

### Bergman Backs Schuette For Governor

U.S. Rep. Jack **BERGMAN** (R-Watermeet) endorsed Attorney General Bill **SCHUETTE** for Governor, as well as Lisa Posthumus **LYONS** for Lt. Gov.

### Civil Rights To Launch Tool To Help Identify Needs Of Deaf Community

The state is launching an assessment tool to identify the needs of the Deaf, DeafBlind and Hard of Hearing communities, according to a press release issued by the Michigan Department of Civil Rights (DCR) and its Division on Deaf, DeafBlind and Hard of Hearing today.

The state is partnering with Madonna University's Sign Language Department and Public Sector Consultants to evaluate the ongoing needs of the Deaf, DeafBlind and Hard of Hearing communities in accessing all levels of civic life -- from government to medical care. It can be found at [NotWithoutUsMich.org](http://NotWithoutUsMich.org).

"Business, government and nonprofits have worked hard for many years to meet the needs of the Deaf, DeafBlind and Hard of Hearing communities, but it has been a catch as catch can approach," said Annie **URASKY**, director of the Division on Deaf, DeafBlind and Hard of Hearing, in a statement. "This survey tool will help us create a comprehensive picture of the needs of the community and develop a bold plan to better meet the needs of the communities."

## On This Day In Michigan History

On Sept. 6, 1928, a special committee of the Michigan State Bar association favorably recommended the return of capital punishment for murderers in Michigan. Whether the association should make this recommendation to the Legislature for action was a question that was going to be put in a referendum to the entire State Bar membership.

The five-member committee was not in unanimous agreement on the subject. Two members didn't see the death penalty as a deterrent to stop crime. Two members felt otherwise and the fifth favored the death penalty, but only to the extent that the Legislature should decide the matter.

Source: *Detroit Free Press*

## House Committee Calendar Updates

### THURSDAY, OCTOBER 4, 2018

8:15 AM - **Energy Policy**

Glenn, Gary; Rm: 519 HOB

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## Senate Committee Calendar Updates

### WEDNESDAY, OCTOBER 3, 2018

9:00 AM - **Criminal Justice Policy Commission**

Rm: 426 CB

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### QUOTE OF THE DAY

*"I've had friends from other states pray that that would occur."*

- Former California lawmaker Ray **HAYNES** responding after Sen. Judy **EMMONS** (R-Sheridan) asked if he anticipates that California will secede from the United States.