

## Issue Spotlight: Underhanded GOP Legislative Tactics

# GOP Tactics to Block Citizen-led Initiatives from Becoming Law

## Let's Leave the End Runs to our Football Teams

The purpose of this document is to provide an overview of the controversial practice by the Michigan Republican Party of “adopt and amend” to subvert recent citizen-led initiatives of our state—suppressing the majority’s will through exceedingly undemocratic political maneuvering.

### Goal of the GOP “Adopt & Amend” Tactic

The Michigan Republican Party seeks to block citizen-led initiatives that do not align with the Republican agenda from appearing on a General Election ballot AND to gut the original intent of the initiatives.

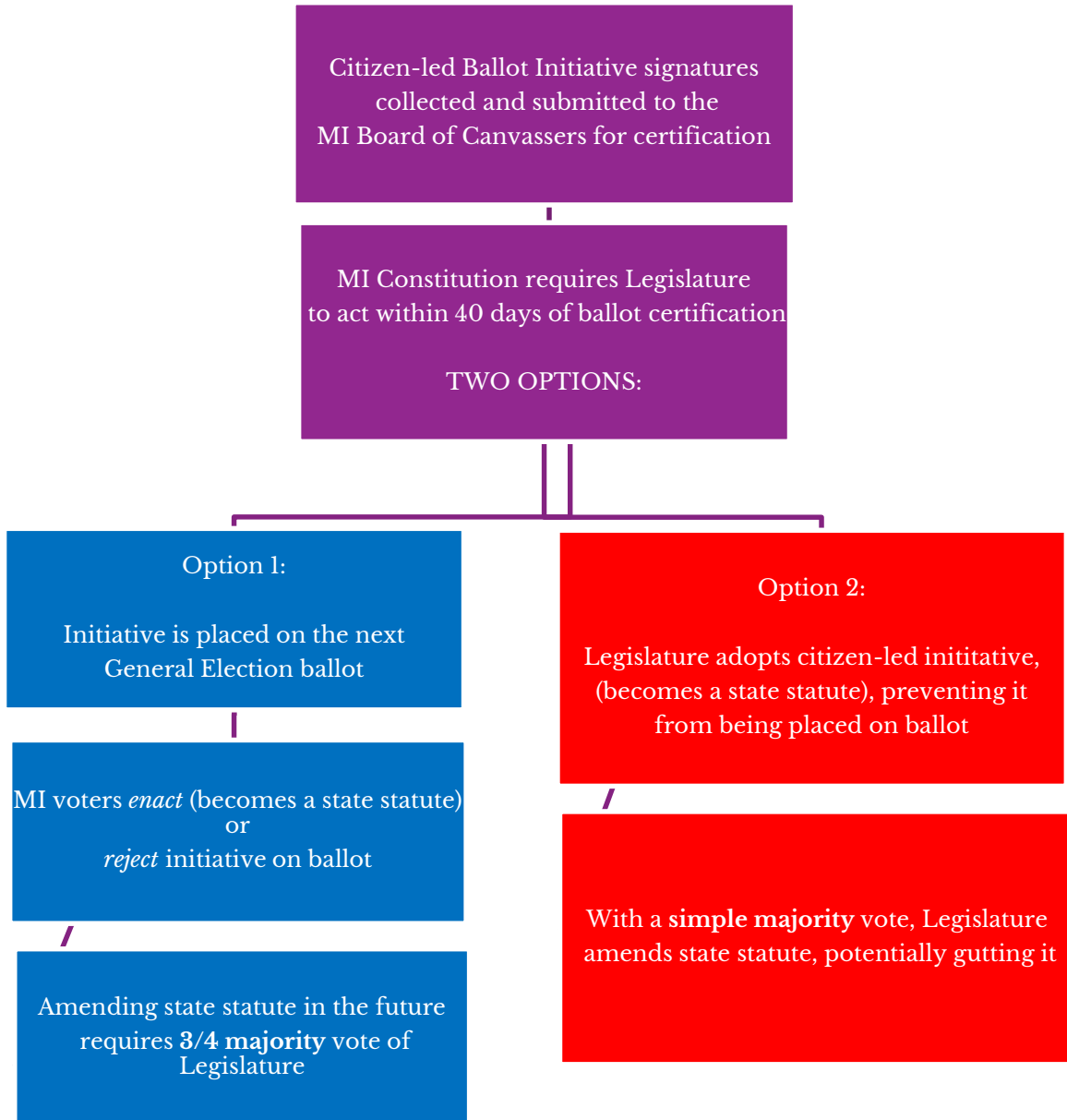
### Steps

- Following certification of signatures, the MI Constitution requires the Legislature (within 40 days of certification) to either adopt<sup>1</sup> as state statute or place citizen-led initiatives on the ballot during the next General Election.
- Tactic exploits two different legislature voting requirements for amending a citizen-led initiative :
  - If the Legislature adopts the initiative within 40 days of certification, amending it requires a simple majority vote.
  - If the Legislature opts not to adopt the initiative, it is placed on the next General Election ballot for voters to enact or reject. Future amendments to a voter-enacted initiative require three-quarters majority vote in the Legislature

### How to Disarm GOP’s Undemocratic Tactics: Flip just One Chamber

- GOP needs a simple majority in both chambers of the Michigan Legislature to successfully block citizen-led initiatives.
- Flipping just one chamber of the Michigan Legislature to Democratic control would disarm the GOP tactic of adopt and amend, with both chambers currently holding relatively slim majority leads:
  - Michigan House of Representatives, GOP majority 58-52 as of 2018, all 110 seats in the MI House are up for election in 2020. Democrats need to flip 4 seats in 2020. Note that control of the House after the 2020 elections will determine how districts are apportioned for the next *decade*.
  - Michigan State Senate, GOP majority 22-16 as of 2018, next election 2022. Democrats need to flip 4 seats in 2022. Note that districts will be changed after the 2020 census redistricting process.

## Adopt & Amend Process



## GOP Adopt and Amend Tactic: Minimum Wage

### End Run: How the GOP Gutted the Workforce Opportunity Wage Act

Workforce Opportunity Wage Act<sup>2</sup> proposed by One Fair Wage, citizen-led initiative was not supported by the GOP, MI Chamber of Commerce, or MI Restaurant Association

- **August 24-27, 2018** Workforce Opportunity Wage Act, a citizen-led ballot initiative, signatures are approved by MI Board of Canvassers, sent to MI Legislature for adoption or rejection within 40 days as required by the MI Constitution.
- **September 5, 2018** MI Legislature adopts Workforce Opportunity Wage Act. This is counterintuitive given that the GOP does not support minimum wage increases. The adopted initiative raises minimum wage to \$12/hr on January 1, 2022. By adopting the citizen-led initiative, it is successfully blocked from appearing on the next general election ballot 2018.
- **December 14, 2018** MI Legislature amends the Workforce Opportunity Act now called Improved Workforce Opportunity Act 337. The state statute is gutted to align with GOP agenda. The minimum wage is no longer increased to \$12/hr in 2022; instead, the increase is delayed 8 years and nominally raised to \$12.05 in 2030. Gov. Snyder signs it in the last weeks of the 2018 Lame Duck Session.
- **July 17, 2019** Michigan Supreme Court hears oral arguments regarding constitutionality of adopting and amending citizen-led initiatives in the same two-year legislative term<sup>3</sup>.
- **December 18, 2019** Michigan Supreme Court in a 4/3 vote decides not to rule on adopt and amend tactic<sup>4</sup>.
- **March 19, 2019** Improved Workforce Opportunity Act (amended) goes into effect. GOP has successfully blocked the citizen-led initiative from the 2018 ballot. GOP guts the law, significantly lowers effective minimum wage, and removes tipped employee improvements.

**What has “improved” about the Improved Workforce Opportunity Act?  
Comparison of Workforce Opportunity Act as adopted September 5, 2018  
and as amended in December 13, 2018**

<b>Workforce Opportunity Act, adopted Sept 5, 2018</b>	<b>Improved Workforce Opportunity Act<sup>5</sup>, as amended Dec 13, 2018</b>
<p><b>Regular Minimum Wage Rates:</b> January 1, 2019 – \$10.00 January 1, 2020 – \$10.65 January 1, 2021 – \$11.35 <b>January 1, 2022 – \$12.00</b></p> <p>Increases annually thereafter based on Consumer Price Index (CPI).</p> <p>Increases were to be put on hold in any year in which the unemployment rate for the preceding year is 8.5 % or greater.</p>	<p><b>Regular Minimum Wage Rates:</b> January 1, 2019 - \$ 9.45 January 1, 2020 – \$ 9.65 January 1, 2021 – \$ 9.87 January 1, 2022 – \$10.10 January 1, 2023 – \$10.33 January 1, 2024 – \$10.56 January 1, 2025 – \$10.80 January 1, 2026 – \$11.04 January 1, 2027 – \$11.29 January 1, 2028 – \$11.54 January 1, 2029 – \$11.79 <b>January 1, 2030 – \$12.05</b></p> <p>Increases are to be put on hold in any year in which the unemployment rate for the preceding year is 8.5 % or greater.</p> <p>No increases by indexing or other measures are set for after 2030.</p>
<p><b>Tipped Minimum Wage Rates:</b> January 1, 2019 – 48% of min. wage January 1, 2020 – 60% of min. wage January 1, 2021 – 70% of min. wage January 1, 2022 – 80% of min. wage January 1, 2023 – 90% of min. wage January 1, 2024 – 100% of min. wage</p>	<p><b>Tipped Minimum Wage Rates:</b> The tipped minimum wage is equal to 38% of the applicable minimum wage listed above (i.e., capped at \$4.58 per hour).</p>

# GOP Adopt and Amend Tactic: Paid Leave

## End Run: How the GOP Gutted the Earned Sick Time Act

The Earned Sick Time Act (ESTA), proposed by MI Time to Care, qualified as a citizen-led ballot initiative.

- **July 27, 2018** Earned Sick Time Act, a citizen-led ballot initiative, signatures are approved by MI Board of Canvassers, sent to MI Legislature for adopt or reject within 40 days as required by the MI Constitution.
- **September 5, 2018** MI Legislature adopts Earned Sick Time Act. This is counterintuitive given that the GOP does not support extending paid sick leave. By adopting the citizen-led initiative, it is successfully blocked from appearing on the November 2018 ballot.
- **December 14, 2018** MI Legislature amends and renames the Earned Sick Time Act to the Paid Medical Leave Act (PMLA). The state statute is then gutted to align with the GOP agenda. Gov. Snyder signs it in the last weeks of the 2018 Lame Duck Session.
- **July 17, 2019** Michigan Supreme Court hears oral arguments regarding constitutionality of adopting and amending citizen-led initiatives within the same two-year legislative term<sup>6</sup>.
- **December 18, 2019** Michigan Supreme Court in a 4/3 vote decides not to rule on adopt and amend tactic utilized by the GOP<sup>7</sup>.
- **March 29, 2019** Paid Medical Leave Act<sup>8</sup> (amended ESTA) goes into effect. GOP successfully blocks intent of the citizen-led initiative from November 2018 ballot by gutting scope of the law, exempting numerous job classifications, exempting employers of up to 50 people.

**Comparison of Earned Sick Time Act (ESTA) as adopted September 5, 2018 and as amended in December 14, 2018**

<b>Earned Sick Time Act adopted September 5, 2018</b>	<b>Paid Medical Leave Act<sup>9</sup> as amended December 14, 2018</b>
Accrual rate: one hour for every 30 hours worked	Accrual rate: one hour for every 35 hours worked
<p>Scope of Coverage : All private employers</p> <p>Businesses with 10 or fewer employees capped accrual at 40 hours/year</p> <p>Businesses with more than 10 employees, capped accrual at 72 hours/year</p>	<p>Scope of Coverage : Those businesses with 50 or more employees</p> <p>Coverage exemptions : Executives, administrative, outside sales, work largely performed outside of MI, individuals covered by a collective bargaining agreement and various transportation industry employees.</p> <p>Businesses capped accrual at 40 hours/year</p>

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<sup>1</sup> [http://www.legislature.mi.gov/\(S\(ijxhis1r3khv2q1a0bumn1up\)\)/mileg.aspx?page=GetObject&objectname=mcl-Article-II-9](http://www.legislature.mi.gov/(S(ijxhis1r3khv2q1a0bumn1up))/mileg.aspx?page=GetObject&objectname=mcl-Article-II-9)

<sup>2</sup> [https://www.legislature.mi.gov/\(S\(h4gq5hqxt1xlg2bh5es3doam\)\)/documents/mcl/pdf/mcl-act-337-of-2018.pdf](https://www.legislature.mi.gov/(S(h4gq5hqxt1xlg2bh5es3doam))/documents/mcl/pdf/mcl-act-337-of-2018.pdf)

<sup>3</sup> <https://www.natlawreview.com/article/are-michigan-s-new-paid-medical-leave-act-and-minimum-wage-law-constitutional>

<sup>4</sup> <https://www.mlive.com/news/2019/12/michigan-supreme-court-declines-to-weigh-in-on-legislative-adopt-and-amend-tactic.html>

<sup>5</sup> [https://www.house.mi.gov/hfa/PDF/Alpha/Minimum\\_Wage\\_Initiative.pdf](https://www.house.mi.gov/hfa/PDF/Alpha/Minimum_Wage_Initiative.pdf)

<sup>6</sup> See #1

<sup>7</sup> See #3

<sup>8</sup> [https://www.legislature.mi.gov/\(S\(xybbbuq2dbcel4cxlwk3vmn\)\)/documents/mcl/pdf/mcl-act-338-of-2018.pdf](https://www.legislature.mi.gov/(S(xybbbuq2dbcel4cxlwk3vmn))/documents/mcl/pdf/mcl-act-338-of-2018.pdf)

<sup>9</sup> [https://www.house.mi.gov/hfa/PDF/Alpha/Legislative\\_Analysis\\_SickTime\\_Initiative\\_Sep18.pdf](https://www.house.mi.gov/hfa/PDF/Alpha/Legislative_Analysis_SickTime_Initiative_Sep18.pdf)