

HOUSE RESOLUTION NO. 333

Rep. Tate offered the following resolution:

1 A resolution to urge the United States Department of Justice,
2 including the United States Attorney for the Western District of
3 Michigan, to investigate various members of the Michigan House of
4 Representatives for the crime of seditious conspiracy.

5 Whereas, The United States of America conducts its
6 presidential election every four years. This tradition of United
7 States presidential elections began with the election of George
8 Washington in 1789 and has continued to enable the peaceful
9 transition of power for more than 200 years. Even in some of our
10 nation's most contested elections, such as when George W. Bush
11 defeated Al Gore in the 2000 presidential election, elections have
12 been certified on time and power has passed between political
13 parties, in respect for our republican form of government; and

1 Whereas, Under Article II, Section 1, Clause 2 of the *United*
2 *States Constitution*, the President and Vice President of the United
3 States are formally elected by the Electoral College, and states
4 may choose how electors are appointed to the Electoral College. The
5 Michigan Election Law states that, when Michigan voters cast their
6 ballots for President of the United States, they are technically
7 electing presidential electors nominated by the political party of
8 that presidential candidate. The electors chosen by the popular
9 vote then convene in the Michigan Capitol and must cast their votes
10 for the candidates for President and Vice President of the United
11 States of their political party. If they refuse to vote for these
12 candidates or vote for another individual, their vote is not
13 recorded, and the remaining electors fill the vacancy; and

14 Whereas, In November of 2020, Joseph R. Biden was elected as
15 President of the United States and Kamala D. Harris was elected as
16 Vice President of the United States, both in Michigan and by the
17 Electoral College. The Michigan Secretary of State reports that
18 Biden received 2,804,040 votes, while Trump received 2,649,852
19 votes, a margin of 154,188 votes. According to the National
20 Archives, Biden received 306 votes in the Electoral College, more
21 than the 270 votes needed to reach a majority; and

22 Whereas, Instead of aiding in the peaceful transition of
23 power, as has occurred in the vast majority of elections in this
24 country's history of over two centuries, former President Donald J.
25 Trump and other Republicans delayed the certification of state
26 elections for the office of President of the United States and the
27 certification of the votes of the Electoral College by the United
28 States Congress on January 6, 2021. Donald Trump coordinated with
29 state lawmakers throughout the country, including in Michigan, in

1 an attempt to fraudulently award electoral votes to Trump in states
2 where he did not win the popular vote. *Bridge Michigan* reports that
3 the Select Committee to Investigate the January 6th Attack on the
4 United States Capitol heard testimony that the conspiracy to cast
5 votes using fake electors included 7 states that Donald Trump lost:
6 Arizona, Georgia, Michigan, New Mexico, Nevada, Pennsylvania, and
7 Wisconsin; and

8 Whereas, On December 14th, 2020, Michigan's 16 presidential
9 electors nominated by the Democratic Party convened in the Michigan
10 State Capitol to cast their official votes for Joe Biden and Kamala
11 Harris, in accordance with the results of the popular vote in this
12 state. According to *Bridge Michigan*, the 16 electors nominated by
13 the Republican Party had considered camping out in the Capitol the
14 night of December 13th, in order to be present for the vote. *The*
15 *Detroit News* reports that these 16 electors attempted to enter the
16 Capitol on December 14th, along with 5 sitting State
17 Representatives: Rep. Matt Maddock of the Forty-Fourth District,
18 Rep. Daire Rendon of the One Hundred Third District, Rep. John
19 Reilly of the Forty-Sixth District, Rep. Beth Griffin of the Sixty-
20 Sixth District, and Rep. Julie Alexander of the Sixty-Fourth
21 District. They were denied entry by the Michigan State Police; and

22 Whereas, These 5 Michigan House of Representatives members
23 conspired with the 16 Republican candidates for electors, on behalf
24 of Donald Trump, to falsely certify that Michigan's 16 votes in the
25 Electoral College were to be cast for Donald Trump and Michael
26 Pence. The 16 Republican elector candidates signed a false
27 certificate of Michigan's electoral votes, which was sent to the
28 four institutions required to receive Electoral College documents:
29 the President of the United States Senate, the Archivist of the

1 United States, the United States Secretary of State, and the Chief
2 Judge of the United States District Court for the Western District
3 of Michigan. Their purpose and intent in attempting to be present
4 in the Capitol on December 14th, 2020 and in sending this false
5 certificate were to deliver fraudulent votes and certify Donald
6 Trump for the office of President of the United States and Michael
7 Pence for the office of Vice President of the United States; and

8 Whereas, In a lawsuit attempting to overturn the result of
9 Michigan's 2020 elections for President and Vice President of the
10 United States, the following members of the Michigan House of
11 Representatives filed a motion for leave to file a complaint-in-
12 intervention: Rep. Gary Eisen of the Eighty-First District, Rep.
13 John Reilly of the Forty-Sixth District, Rep. Julie Alexander of
14 the Sixty-Fourth District, Rep. Matt Maddock of the Forty-Fourth
15 District, Rep. Daire Rendon of the One Hundred Third District, Rep.
16 Beth Griffin of the Sixty-Sixth District, Rep. Michele Hoitenga of
17 the One Hundred Second District, Rep. Brad Paquette of the Seventy-
18 Eighth District, Rep. Rodney Wakeman of the Ninety-Fourth District,
19 Rep. Greg Markkanen of the One Hundred Tenth District, and Rep.
20 Jack O'Malley of the One Hundred First District. They were also
21 joined by Michigan State Senator Douglas Wozniak of the Eighth
22 District, who was a member of the Michigan House of Representatives
23 at the time the motion was filed. The plaintiffs in this lawsuit
24 sought to "establish a constitutional process for the selection of
25 Presidential electors from Pennsylvania, Michigan, Wisconsin, and
26 Georgia ... relating to the November 3, 2020 election of President
27 and Vice President and future elections." They claimed that the
28 legislatures of these states had unconstitutionally delegated the
29 post-election certification of presidential electors to officials

1 in the state executive or judicial branches, making the appointment
2 of presidential electors from these states constitutionally
3 invalid; and

4 Whereas, A pattern of misleading statements about the November
5 2020 election and actions taken to delay and deny the peaceful
6 transition of power culminated in an insurrection against the
7 United States government on January 6, 2021; and

8 Whereas, Title 18 of the United States Code, Section 2384,
9 defines the crime of seditious conspiracy as follows:

10 If two or more persons in any State or Territory, or in any
11 place subject to the jurisdiction of the United States,
12 conspire to overthrow, put down, or to destroy by force the
13 Government of the United States, or to levy war against them,
14 or to oppose by force the authority thereof, or by force to
15 prevent, hinder, or delay the execution of any law of the
16 United States, or by force to seize, take, or possess any
17 property of the United States contrary to the authority
18 thereof, they shall each be fined under this title or
19 imprisoned not more than twenty years, or both.

20 ; and

21 Whereas, Article XI, Section 1 of the *Constitution of the*
22 *State of Michigan of 1963* provides, in relevant part:

23 All officers, legislative, executive and judicial, before
24 entering upon the duties of their respective offices, shall
25 take and subscribe the following oath or affirmation: I do
26 solemnly swear (or affirm) that I will support the
27 Constitution of the United States and the constitution of
28 this state, and that I will faithfully discharge the duties
29 of the office of according to the best of my

1 ability. No other oath, affirmation, or any religious test
2 shall be required as a qualification for any office or
3 public trust.

4 ; and

5 Whereas, The members of the Michigan House of Representatives
6 listed above have acted contrary to federal law and to their oath
7 of office. Through their efforts to overturn the legitimate results
8 of the 2020 presidential election and delay the transition of
9 power, they "conspire[d] to overthrow ... the Government of the
10 United States" and "delay[ed] the execution of" the laws of the
11 United States relating to the certification of the votes of the
12 Electoral College. An essential element of being a legislator is
13 accepting the peaceful transition of power when the people choose
14 different leaders, and these members failed to faithfully discharge
15 the duties of their office by acting to undermine this basic tenet
16 of democracy. Michigan residents deserve better leaders than people
17 who would subvert their own government to remain in power; and

18 Whereas, In January of 2022, Michigan Attorney General Dana
19 Nessel referred the investigation of the 16 Republican elector
20 candidates and a potential broader, multi-state conspiracy to
21 undermine the results of the 2020 election to the United States
22 Attorney for the Western District of Michigan. *The Detroit News*
23 reports that she chose not to file charges under Michigan law yet,
24 instead referring the case to federal authorities, because of their
25 nationwide jurisdiction; now, therefore, be it

26 Resolved by the House of Representatives, That we urge the
27 United States Department of Justice, including the United States
28 Attorney for the Western District of Michigan, to investigate the
29 following members of the Michigan House of Representatives for the

1 crime of seditious conspiracy: Rep. Gary Eisen of the Eighty-First
2 District, Rep. John Reilly of the Forty-Sixth District, Rep. Julie
3 Alexander of the Sixty-Fourth District, Rep. Matt Maddock of the
4 Forty-Fourth District, Rep. Daire Rendon of the One Hundred Third
5 District, Rep. Beth Griffin of the Sixty-Sixth District, Rep.
6 Michele Hoitenga of the One Hundred Second District, Rep. Brad
7 Paquette of the Seventy-Eighth District, Rep. Rodney Wakeman of the
8 Ninety-Fourth District, Rep. Greg Markkanen of the One Hundred
9 Tenth District, and Rep. Jack O'Malley of the One Hundred First
10 District; and be it further

11 Resolved, That copies of this resolution be transmitted to the
12 United States Department of Justice, the United States Attorney for
13 the Western District of Michigan, and Representatives Eisen,
14 Reilly, Alexander, Maddock, Rendon, Griffin, Hoitenga, Paquette,
15 Wakeman, Markkanen, and O'Malley.