

HOUSE RESOLUTION NO. 139

Reps. Schuette, Pavlov, Bierlein, Beson, Wozniak, Schmaltz, BeGole, Roth, Schriver, Carra, St. Germaine, Aragona, Hoadley, Kunse, DeBoyer, Frisbie, Woolford, Kelly and Fairbairn offered the following resolution:

1 A resolution to call on the Governor to call a special
2 election to fill the vacancy in the Thirty-fifth Senate District.

3 Whereas, Article V, Section 13 of the Michigan Constitution
4 states: "The governor shall issue writs of election to fill
5 vacancies in the senate or house of representatives. Any such
6 election shall be held in a manner prescribed by law"; and

7 Whereas, The Legislature has provided for the manner of
8 holding special elections to fill vacancies in the Senate or House
9 of Representatives in the Michigan Election Law. Under MCL 168.178,
10 "[t]he governor may call a special election as provided in section
11 634 . . . whenever a vacancy occurs in the office of state senator

1 or representative after the term of service has begun for which the
2 state senator or representative was elected." Pursuant to MCL
3 168.634, "when a vacancy occurs in the office of senator or
4 representative in the state legislature, the governor may call a
5 special election in that senatorial or representative district or
6 direct that the vacancy be filled at the next general election";
7 and

8 Whereas, The Thirty-fifth Senate District has been vacant
9 since January 3, 2025, following the election of Senator Kristen
10 McDonald Rivet to the Eighth Congressional District of the United
11 States House of Representatives on November 8, 2024. The result of
12 that election was certified by the Board of State Canvassers on
13 November 22, 2024, and Senator McDonald Rivet submitted her
14 resignation on December 18, 2024, effective January 3, 2025. Under
15 MCL 168.178, when a state Senator or Representative resigns, their
16 written notice of resignation is to be immediately transmitted to
17 the Governor. Thus, the Governor has been on notice since at least
18 December 18, 2024, and likely sooner, that there would be a vacancy
19 in the Thirty-fifth Senate District as of January 3, 2025; and

20 Whereas, The Governor has not called a special election in the
21 Thirty-fifth Senate District. The office has been vacant for nearly
22 five months, and the Governor has made no move to restore
23 representation in the state Senate for the hundreds of thousands of
24 taxpayers who reside in this district; and

25 Whereas, The last time a vacancy in the Legislature was caused
26 by the election of a member to another office, the Governor waited
27 less than a month to schedule a special election. On November 7,
28 2023, Representative Lori Stone of the Thirteenth House District
29 was elected mayor of the City of Warren, and Representative Kevin

1 Coleman of the Twenty-fifth House District was elected to a partial
2 term as mayor of the City of Westland. Representative Coleman
3 submitted his resignation on November 13, 2023, and Representative
4 Stone submitted her resignation on November 19, 2023. Both
5 resignations were effective on the day they were filed. Just a few
6 days later, on November 22, 2023, Governor Gretchen Whitmer issued
7 a call for a special election to fill the vacancies in House
8 Districts Thirteen and Twenty-five. The call established the filing
9 deadline as November 27, 2023, scheduled the special primary
10 election for January 30, 2024, and scheduled the special election
11 for April 16, 2024. Those elected to fill the vacancy,
12 Representatives Mai Xiong and Peter Herzberg, were sworn in on
13 April 30, 2024; and

14 Whereas, The Governor's failure to call a special election to
15 fill the vacancy in the Thirty-fifth Senate District is a departure
16 from her own past practice, denies the people of the Thirty-fifth
17 Senate District equal representation in the state Senate, and
18 deprives them of a voice to secure the civil and democratic rights
19 which all Americans are constitutionally guaranteed; now,
20 therefore, be it

21 Resolved by the House of Representatives, That we call on the
22 Governor to call a special election to fill the vacancy in the
23 Thirty-fifth Senate District; and be it further

24 Resolved, That copies of this resolution be transmitted to the
25 Governor.