

Lame Duck FAQ

What were the results of the 2018 Michigan election?

Democratic candidates won all major statewide races in November: Gretchen Whitmer and Garlin Gilchrist will be our new Governor and Lieutenant-Governor, Jocelyn Benson won the Secretary of State race, and Dana Nessel is the Attorney General-elect. The Michigan Supreme Court shifted from a 5-2 Republican majority to a 4-3 Republican majority. While Republicans retained control of the state Senate and House of Representatives, Democrats narrowed the margins. Republicans previously held a 27-11 super-majority in the state Senate, but after Democrats flipped five seats, that margin shrinks to 22-16. Democrats also flipped five seats in the state House, narrowing the Republicans' 63-47 majority to 58-52. Newly elected officials will begin their terms on January 1, 2019.

The three statewide ballot proposals—to legalize recreational marijuana, end gerrymandering, and improve access to voting—had widespread support from Democrats and were largely opposed by Republicans. Voters approved all three proposals. Despite efforts to allow voters to decide on paid sick leave and minimum wage, state lawmakers kept these two proposals off the ballot.

What happened to paid sick leave and minimum wage?

Ballot initiatives can be added to a statewide ballot in a variety of ways, including “indirect initiated state statutes.” In this case, citizens start by collecting signatures in favor of a ballot proposal. Once citizens collect enough valid signatures, the measure will go on the ballot UNLESS state legislators pass a law implementing the initiative. If proposals are placed on the ballot and voters approve them, the legislature needs a three-fourths vote to amend the law. If the legislature passes the proposals without placing them on the ballot, they can be amended later with a simple majority. The governor’s signature is not required to adopt these citizen-initiated measures.

Proponents of the Paid Sick Leave and Minimum Wage Increase initiatives collected hundreds of thousands of petition signatures to place the proposals on the ballot. But rather than allowing Michigan citizens to vote on them, the legislature passed both proposals. Some legislators voted for these laws because they genuinely support the policies, but many did so as a strategy to enable them to “gut” the proposals during lame duck. Polls showed that strong majorities supported both measures, so this latter strategy was clearly intended to circumvent the will of most Michiganders.

What is lame duck?

Lame duck is the period between the November election and the inauguration of newly elected officials in January. Political parties that will lose power in the new legislative session

sometimes try to push through priorities that would be less likely to pass once new legislators begin their terms. In Michigan, Republicans have had control of the state government since 2010 and have used lame duck to advance a partisan and controversial agenda.

What has happened in previous lame duck sessions?

In 2012, Michigan legislators passed an unprecedented 282 pieces of legislation with little debate during lame duck. Despite massive protests, Governor Snyder signed many of these bills into law. These included the anti-union Right-to-Work bill, the reinstatement of an emergency manager law that voters had repealed through a ballot initiative the month before, and a law that would make it much more difficult to recall elected officials.

What might happen during the upcoming lame duck session?

The legislature will return on November 27 and meet through December 20. They are expected to gut the Paid Sick Leave and Minimum Wage Increase initiatives. Republican legislators have also introduced anti-labor legislation intended to weaken labor unions and their ability to improve working conditions for Michiganders. Many other measures may be introduced.

Can't we just reverse these outcomes during the next legislative session?

While a Democrat won the Governor's race, the Senate and House will still be Republican-controlled in 2019, albeit with smaller majorities. Without a Democratic majority in the House and Senate, it is unlikely that legislators can reverse measures passed during lame duck.

How are labor and working people's issues connected?

For many years now, most U.S. workers have seen their standard of living decline as the costs of housing, food, and healthcare have risen faster than wages.

Occasionally, workers have opportunities to collectively demand improvements to their economic conditions. They can voluntarily join a union, for instance, which has the legal authority to require employers to negotiate workplace improvements. Workers can also collectively demand to improve laws through ballot initiatives, as was the case this past year with the Paid Sick Leave and Minimum Wage initiatives.