

No. 77
STATE OF MICHIGAN
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REGULAR SESSION OF 2021

Senate Chamber, Lansing, Wednesday, October 6, 2021.

10:00 a.m.

The Senate was called to order by the President, Lieutenant Governor Garlin D. Gilchrist II.

The roll was called by the Secretary of the Senate, who announced that a quorum was present.

Alexander—present
Ananich—present
Barrett—present
Bayer—present
Bizon—present
Brinks—present
Bullock—excused
Bumstead—present
Chang—present
Daley—present
Geiss—present
Hertel—present

Hollier—present
Horn—present
Irwin—present
Johnson—present
LaSata—present
Lauwers—present
MacDonald—present
McBroom—present
McCann—present
McMorrow—present
Moss—present
Nesbitt—present

Outman—present
Polehanki—present
Runestad—present
Santana—present
Schmidt—present
Shirkey—present
Stamas—present
Theis—present
VanderWall—present
Victory—present
Wojno—present
Zorn—present

Senator Ken Horn of the 32nd District offered the following invocation:

Lord, let the Holy Spirit guide my words as I ask You to bless the public servants here in this chamber, elected or otherwise. Refresh our hearts, give us strength, and fill us with wisdom. With wisdom we remember Proverbs 15:1, “A gentle answer turns away wrath, but a harsh word stirs up anger.”

Help us remember that we are all children of God. We are never alone, even when we feel empty and misunderstood. Please wrap your arms around the families and friends of Senator Curt VanderWall and Representative Andrea Schroeder at their time of loss and grief. Bring peace and comfort to their hearts knowing we will all meet again. Fill this chamber with the knowledge that there is a better life waiting for all of us with You in our hearts.

Please keep our families, friends, and neighbors safe. Lord, Your love bridges both oceans and miles of land. Bless all Michiganders near and far. Keep them safe in their military and public service to us. Hurry them home to their loving families. Keep reminding us Lord as we try our best that Your smallest plans are still way better than our biggest dreams.

And on this Pure Michigan autumn day, we thank You for this beautiful life You’ve given to us, and we ask You for Your forgiveness if we fail to love it enough every day.

In Your Son’s name, we servants of God say. Amen.

The President, Lieutenant Governor Gilchrist, led the members of the Senate in recital of the *Pledge of Allegiance*.

Motions and Communications

Senator Chang moved that Senator Ananich be temporarily excused from today’s session.

The motion prevailed.

Senator Chang moved that Senator Bullock be excused from today’s session.

The motion prevailed.

The following communications were received:

Office of Senator Rosemary Bayer

October 5, 2021

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bills 637 and 638 by Senator Chang and Senator Outman on September 14, 2021.

October 5, 2021

Per Senate Rule 1.110(c), I am requesting that my name be added as a co-sponsor to Senate Bills 649, 651, and 652 introduced by Senator Irwin on September 22, 2021.

Sincerely,
Rosemary K. Bayer
12th Senate District
State Senator

The communications were referred to the Secretary for record.

Senator Lauwers moved that the Committee on Families, Seniors, and Veterans be discharged from further consideration of the following bill:

House Bill No. 5007, entitled

A bill to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending sections 2 and 2a (MCL 28.292 and 28.292a), section 2 as amended and section 2a as added by 2020 PA 306.

The motion prevailed, a majority of the members serving voting therefor, and the bill was placed on the order of General Orders.

Senator Lauwers moved that the rules be suspended and that the following bill, now on the order of General Orders, be placed on the General Orders calendar for consideration today:

House Bill No. 5007

The motion prevailed, a majority of the members serving voting therefor.

Senator Ananich entered the Senate Chamber.

Recess

Senator Lauwers moved that the Senate recess subject to the call of the Chair.
The motion prevailed, the time being 10:04 a.m.

11:35 a.m.

The Senate was called to order by the President, Lieutenant Governor Gilchrist.

By unanimous consent the Senate proceeded to the order of

Introduction and Referral of Bills

Senators McMorro, Brinks, Irwin, Chang, Polehanki, Wojno, Bayer and Santana introduced

Senate Bill No. 675, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8902 and 8905a (MCL 324.8902 and 324.8905a), section 8905a as amended by 2014 PA 549.

The bill was read a first and second time by title and referred to the Committee on Environmental Quality.

Senators Brinks, Irwin, McMorro, Polehanki, Chang, Bayer, Wojno, McCann, Geiss, Ananich and Moss introduced

Senate Bill No. 676, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 20140 (MCL 324.20140), as amended by 2000 PA 254.

The bill was read a first and second time by title and referred to the Committee on Environmental Quality.

Senators Brinks, Irwin, Polehanki, McMorro, Bayer, Chang, Wojno, McCann, Geiss, Ananich and Moss introduced

Senate Bill No. 677, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9947) by adding section 5830.

The bill was read a first and second time by title and referred to the Committee on Environmental Quality.

Senators Chang, Bayer and Schmidt introduced

Senate Bill No. 678, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 224f (MCL 750.224f), as amended by 2014 PA 4.

The bill was read a first and second time by title and referred to the Committee on Judiciary and Public Safety.

Senators Schmidt, Chang and Bayer introduced

Senate Bill No. 679, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16m of chapter XVII (MCL 777.16m), as amended by 2018 PA 637.

The bill was read a first and second time by title and referred to the Committee on Judiciary and Public Safety.

Senators Outman, Barrett, Runestad, Santana, Irwin and Schmidt introduced

Senate Bill No. 680, entitled

A bill to amend 1978 PA 368, entitled “Public health code,” by amending sections 7303, 17201, 17210, 17211a, and 17212 (MCL 333.7303, 333.17201, 333.17210, 333.17211a, and 333.17212), section 7303 as amended by 2013 PA 268, sections 17201 and 17212 as amended and section 17211a as added by 2016 PA 499, and section 17210 as amended by 2021 PA 53, and by adding section 17210a.

The bill was read a first and second time by title and referred to the Committee on Health Policy and Human Services.

Senator McBroom introduced

Senate Bill No. 681, entitled

A bill to amend 2001 PA 142, entitled “Michigan memorial highway act,” (MCL 250.1001 to 250.2092) by adding section 72a.

The bill was read a first and second time by title and referred to the Committee on Transportation and Infrastructure.

Senator Lauwers moved that the Senate return to the order of Messages from the House.
On which motion Senator Chang requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 366

Yeas—20

Barrett	Johnson	Nesbitt	Stamas
Bizon	LaSata	Outman	Theis
Bumstead	Lauwers	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	McBroom	Shirkey	Zorn

Nays—15

Alexander	Chang	Irwin	Polehanki
Ananich	Geiss	McCann	Santana
Bayer	Hertel	McMorrow	Wojno
Brinks	Hollier	Moss	

Excused—1

Bullock

Not Voting—0

In The Chair: President

The Senate returned to the order of

Messages from the House

Senator Lauwers moved that the Senate proceed to consideration of the following bill:

Senate Bill No. 303

The motion did not prevail.

Senator Stamas requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.
The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 367**Yeas—20**

Barrett	Johnson	Nesbitt	Stamas
Bizon	LaSata	Outman	Theis
Bumstead	Lauwers	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	McBroom	Shirkey	Zorn

Nays—15

Alexander	Chang	Irwin	Polehanki
Ananich	Geiss	McCann	Santana
Bayer	Hertel	McMorrow	Wojno
Brinks	Hollier	Moss	

Excused—1

Bullock

Not Voting—0

In The Chair: President

Senate Bill No. 303, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 523 (MCL 168.523), as amended by 2018 PA 129.

(This bill was returned from the House on Thursday, June 24 with a House substitute (H-1), immediate effect and title amendment, and was laid over under the rules. See Senate Journal No. 59, p. 1047.)

The question being on concurring in the substitute made to the bill by the House,

Senator Barrett offered the following substitute to the House substitute:

Substitute (S-3).

The substitute was adopted, a majority of the members serving voting therefor.

The question being on concurring in the House substitute as substituted,

Senator Lauwers moved that the previous question be ordered.

The motion did not prevail.

Senator Lauwers requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members voting therefor, as follows:

Roll Call No. 368**Yeas—20**

Barrett	Johnson	Nesbitt	Stamas
Bizon	LaSata	Outman	Theis
Bumstead	Lauwers	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	McBroom	Shirkey	Zorn

Nays—15

Alexander	Chang	Irwin	Polehanki
Ananich	Geiss	McCann	Santana
Bayer	Hertel	McMorrow	Wojno
Brinks	Hollier	Moss	

Excused—1

Bullock

Not Voting—0

In The Chair: President

The question being on concurring in the House substitute as substituted,
The substitute was concurred in, a majority of the members serving voting therefor, as follows:

Roll Call No. 369

Yeas—20

Barrett	Johnson	Nesbitt	Stamas
Bizon	LaSata	Outman	Theis
Bumstead	Lauwers	Runestad	VanderWall
Daley	MacDonald	Schmidt	Victory
Horn	McBroom	Shirkey	Zorn

Nays—15

Alexander	Chang	Irwin	Polehanki
Ananich	Geiss	McCann	Santana
Bayer	Hertel	McMorrow	Wojno
Brinks	Hollier	Moss	

Excused—1

Bullock

Not Voting—0

In The Chair: President

Protests

Senators Moss, McMorrow, Brinks, Polehanki, McCann, Chang, Wojno, Alexander, Santana, Bayer, Hollier, Hertel, Geiss and Irwin under their constitutional right of protest (Art. 4, Sec. 18), protested against concurring in the House substitute as substituted to Senate Bill No. 303.

Senators Moss, Bayer and Hollier moved that the statements they made during the discussion of the substitute be printed as their reasons for voting “no.”

The motion prevailed.

Senator Moss’ statement, in which Senators McMorrow, Brinks, Polehanki, McCann, Chang, Wojno, Alexander and Santana concurred, is as follows:

This is my ID. It’s got my name on it, it’s got my address on it, it’s got my picture on it, and when I go to vote, I present it to the election worker, I sign the application to vote, and I’m issued a ballot. That’s our voter ID law here in the state of Michigan and it works. There were no cases of ID fraud at the polls in 2020, but with these new requirements that Republicans are adding to our existing voter ID law, I can look like Jeremy Moss, I can say I’m Jeremy Moss, I can have my ID that verifies I’m Jeremy Moss, I can plainly be Jeremy Moss but if an election worker doesn’t like how my signature looks in the poll book, my vote may not count.

These bills require election workers—untrained in signature verification, many who only work every other election cycle—to match my signature with what is in the old electronic file before issuing me a ballot. So I ask this question of my colleagues here and to every voter here in the state of Michigan: How many of you know what your signature looks like in the electronic file? I have no idea what mine looks like so I asked my county elections director which signature is even used to verify these things. It could be the signature that was used when I first registered to vote when I was 18 years old, it may be any random captured signature when I signed an electronic pad at the Secretary of State’s office. So let’s be clear on this, that signature when checking out at the Secretary of State’s office, the equivalent signature when I pay for something at Meijer and sign on the electronic pad real quickly, that could be the equivalent signature that this poll worker has the authority to say doesn’t match what I sign into. These slight signature differences could throw out an untold amount of ballots from legal voters here in the state of Michigan.

So again, I ask my colleagues, Do you want anyone to vote in the state of Michigan? These bills could strip away the freedom to vote from legal voters in the state of Michigan and on top of that they’re unfair to every dedicated election poll worker—average age in the state of Michigan is 76 years old—who have to take on this burden to have to match signatures, when the voter is in front of them with their ID. And for what? So that Senate Republicans can continue to chase after these lies, these lies that there was pervasive fraud in the state of Michigan in our elections, which have been debunked time and time again. So before you pass this bill, I caution my colleagues to be careful because the ballot you throw out may be your own.

Senator Bayer’s statement, in which Senator Santana concurred, is as follows:

I rise to give my “no” vote explanation on these bills that will take away our freedom to vote.

There are a number of issues in this entire package of bills, but with my district—and on a more personal note, my spouse—I must say something about the people whose vote won’t count if these bills pass. You have already heard about my husband, whose signature changed because of a stroke. He can’t drive because of the stroke. My district has a very large community of older people who cannot drive and who are dealing with either physical limitations or limited incomes. They don’t have a car or can’t get there themselves, but voting is really important to them. They will get a ride and they will vote.

But with these bills, once a year, minimally-trained, once-a-year poll workers just decide their signature changed, and actually maybe it did change—with older people bursitis, arthritis, a stroke, many things can happen where your signature has changed and you don’t think about going into the Secretary of State’s office or your clerk’s office and changing your signature. So what happens to those people with a changed signature? They get challenged and they get a provisional ballot. Will they understand that they have to physically get back to the clerk’s office within six days of turning that ballot in to verify their ID so that their vote will count? Will they be able to get a ride again? This is a lot of work for some of these people. Probably not, and you will have taken away their fundamental right to democracy, to participating in our democracy and their right to vote. You’ve stolen their freedom to vote.

My colleagues, I’m voting “no” on these bills to stop the effort to take away our people’s freedom to vote and I urge you all to do the same.

Senator Hollier’s statement is as follows:

I’m 36 years old and the reason I say that is because exactly half of my lifetime, I have been eligible to vote but my very first election, I was not able to vote in Michigan because, like many responsible 17-year-olds, I registered to vote in school which is what they called a pre-registration which they do not count as registering in person. My first election, I was in college in upstate New York and I could not vote absentee because I didn’t register in person because the 1996 Michigan ID law—again the 1996 voter ID law—did not consider my registration in person or valid for that situation. Today, we’re just trying to do

more things to disenfranchise young people and people who have all kinds of issues getting documentation to vote. I was eligible to vote, I had done all the things I was supposed to do, and I was trying to vote. The state of New York wanted me to vote, as a matter of fact, and allowed college students the opportunity to register to vote and vote in New York as long as they didn't vote in their home state. So, my first election, I voted in New York because New York wanted me to vote.

Today, we're saying we don't want young people to vote. We don't want seniors to vote because we are again making it more difficult not for people who don't have ID but for people who may have an issue on Election Day. We see that this is a routine and common practice noting that 11,417 people had to file an affidavit because they didn't have their ID on Election Day. As we talk about what that would mean if all of them had to do a provisional ballot, that's a fifteen-fold increase of how many provisional ballots we had in this state because we only had 745 provisional ballots last year in the 2020 election, out of five and a half million ballots cast with about a 27 percent count rate. Imagine that. Imagine all of your constituents thinking they voted for someone, that they participated in the election, the Qualified Voter File says they participated, and it didn't count. It didn't count at all. That's what these bills would do. That's what we're talking about, because voting with a provisional ballot is hard—significantly more complicated than just voting—and it's harder on the staff—it takes more time. And time really matters to me because as a Detroit, we routinely see long lines at polling locations. We routinely have issues with people who don't understand how to use the electronic poll book and now they'd be asked, under a high-stress environment, to say to someone, This signature, it's a complicated process that we don't need happening today, on Election Day in these cramped environments when lines are already astronomically long. You'd say, You know what, it would be OK if we gave them enough time to get it right, that would be fine. But we know that's not going to happen. Unlike every other member of this chamber, on election night I left the hospital to go to the TCF Center where they were saying, Stop the count, where they were banging on the wall saying, Stop the count. That was less than eight hours after the polls had closed—in some cases, four or five hours after the polls had closed. In this, we're saying, Hey, 11,000 more people need to have provisional ballots of which they can close and remedy within six days, but we know that in elections that matter, people are going to be saying the ballots need to be counted that day within hours, and we know that's not going to happen. We know that's not going to happen in our large municipalities. Four thousand of these affidavits were done in Wayne County, not because that's an astronomical number for Wayne County—that's commensurate to population—but that's where people live. In Oakland County and Macomb County, in our larger counties, this is going to cause huge problems just because it's going to take more time, and that's before you even get into what are the documents you need to bring.

I don't know if anyone else has ever lost an ID but it is not a quick process to replace those documents, especially for young people and seniors who do not have all these backup documents. For all of our seniors who are living with family and are no longer living on their own, they don't have a utility bill in their name, they don't have a cable bill or a phone bill or any of those kinds of things. They had their one ID. Often that ID is no longer valid because they don't drive. My 98-year-old grandmother does not have a valid license anymore—she has a license, has her picture on it, it has her name and signature, but it's expired because she stopped driving a few years ago and has had no need of a new one. All her medical cards, her Social Security documents, all of those things are still valid and still fine, but she would no longer be able to vote if she chose to vote in person. These are what we're expecting. This is the problem with these rules, these laws, these changes, that they do not support people who want to go out and vote. And then, you've already talked about the seniors, but young people similarly have an incredibly difficult challenge with these things. Your kid who's couch-surfing or moving home, they don't have a utility bill, they don't have a phone bill in their name, and many of them, if they had a phone bill or something like that from college, have not adjusted the address so that address may not be the same as where they actually live and reside, where they're registered to vote, because they got their phone when they were in college and they've never changed it because they don't get documents mailed to them. They just use e-mail, they all do paperless on some of these things that they've never ever had to adjust them. I know tons of people whose bank account is from when they were in college and the address they use for that bank account is still that college address because they have paperless checking or any of those kinds of things. This is an epidemic of how we look at changing times. Young people don't move their bank account numbers, they don't move those home addresses, in the way we expect or have thought about it from the past because it's not relevant for their life. You say, Hey, forgot your ID, lost your ID, you can't use your college ID, you can't do some of those other things like you see in a number of other states. So they go back, they have six days to cure the situation and they don't have the information—they can't—so now we say, You can't vote, your ballot's not counted.

That's what these bills will do and it's unacceptable. It's unacceptable to say to people who are registered to vote, who are eligible to vote, who want to vote, who want to participate, that you can't because, honestly, we just want to make it more difficult. We want to make it harder because that's what these bills do. They

make lines longer on Election Day, they make it harder for poll workers to do the things, they make it more complicated, more convoluted, and it's not what we should be doing. It's not what we do in other situations, right? For the past year, we've talked about making it easier to do other things. Imagine getting a hunting permit. Imagine if we said we were going to require all these things to get a hunting permit, to do any of those kinds of things. We don't. We don't. We shouldn't make it harder for people to vote. We shouldn't make it this difficult.

Senator Hertel's statement, in which Senator Geiss concurred, is as follows:

Today I rise to offer my "no" vote explanation. See, the magic of saying those words in this body, is that clock stops. Now, I have spent the last six years of my life in this body. Plenty of that time has been working in earnest with members of the other side of the aisle. And I never have felt treated like a lesser member, than to have somebody take away my constitutional rights to speak, as given to every Senator, than what just happened a minute ago, as an attempt to expedite this process.

I was going to get up, to give a very short statement, in response to the good Senator from the 38th District, who I think asked a reasonable question of, what would we accept as a version of election integrity? My answer would be the same one that you accepted, when you accepted your election to this body. When you won your election, everyone in this room, I don't remember that point where you questioned the results afterwards, where you said, Did I really win, did these people really vote for me, did these people who voted for me, did they have their IDs, did they have this, did they have that? I don't remember that part, where you stood up and you took the oath of office, and you said, Maybe I shouldn't take this, because I'm not sure that the election was fair. When you won the majorities, no one questioned if we had to change the laws. When Governor Snyder was elected, no one asked to change those laws. When Donald Trump was elected, no one asked to change those laws. Now, only now, when you don't like the results, we say, Oh, I question the integrity of this election. Well, do you question your own spot here then? Do you question your own integrity to stand here and accept your spot in this body? I assume you don't, because why else would you be here? So when you ask what standard I will accept, I will accept the same standard that you accepted when you accepted your own election, when you took your own oath of office, when you accepted your majorities, and everything else that comes along with that. So that is what I will accept. And really, that's all I was going to get up and say.

But at this point, I think I might go a little longer. Because I think there is a basic level of respect that we have to have for each other, and if we're going to violate that by cutting people off and not allowing for reasonable debate? I think the biggest problem in this country right now is that both sides can't even see each other, can't spend the time listening to each other, that we live in a bubble of our own making, that we don't even want to see the other side. And that's why this place has become a ridiculous place often, where we deal with almost nothing but utter nonsense most days. But I don't generally find most of my colleagues to be that way. I generally find that most people are willing to have that back and forth, and discussion, and spend time together. I feel like this place is actually better than Twitter and Facebook and all of those places, where those things don't exist any longer. But when we are willing to not even listen to the debate, just cut people off because we're tired of hearing it, or we want to go to lunch, or I don't know what everyone else's plans are today, but at that point, we've really become a reflection of what the problems in this country are. That we can't see each other, that we can't listen to each other, that we all live in our own bubbles, that we can't even take a few moments to listen to the arguments that the other person is trying to make. And as someone else who, I think, reaches across that aisle more than many people in the body, it's disappointing when you have your hand slapped back, and they're not even willing to listen to the arguments that are made in return.

I'm exhausted. I don't understand how you could serve in this body, what it's been like for the last year and a half, and not be exhausted. I don't understand. I'm exhausted from fighting nonsense and I guess you're probably exhausted from espousing it, I don't know. It must be exhausting to go back there and debate for an hour and a half and then come back, I'm not even sure what you guys do back there sometimes, and then come back here and we talk about the craziness that's going on that day, you know, horse paste, ivermectin, vaccine passports, critical race theory, the "Big Lie". I don't even need to read the legislative agenda any longer, because I can just spend a couple of minutes watching Sean Hannity, or the O Network, and whatever topic is on that, the next day is what we'll be debating here in this body. You know, we talk about why we can't attract business, or why we can't solve problems, or why we can't do other things, and maybe because this body is not about that any longer. This body is about blame, it's about talking to our bases, it's about lots and lots of sound and fury, but it's not about solving problems for people any longer.

So, I'm not surprised at what happened today, I'm not surprised at being cut off in the middle of a debate, or any of those things. I'm not surprised at any of that any longer. I'm disappointed, but my level of disappointment in this body couldn't get much worse anyways. I ask you to vote "no" on these bills because they're not out to try to solve a problem, they're out to talk about politics, they're about trying to change the rules for next election, so they can win the last one. But I'm not going to have a serious debate about what

I think is pretty much a game at this point, because they know the Governor isn't going to sign these bills, there's no goal here, it's just messaging points to talk to some people so they can have a Facebook post tomorrow. So I apologize for getting in the middle of what your talking points were for the day, I'm sorry that I decided to get in the middle of that and actually try to have a real discussion or debate that you weren't willing to hear, and I will put that in as my "no" vote explanation.

Senator Irwin's statement is as follows:

Thank you very much for the opportunity to rise to speak against this legislation which will add additional restrictions to people here in the state of Michigan who are trying to vote. We already have a voter ID law here in the state of Michigan. The vast majority of people who are voting are presenting those IDs. But for the very small percentage of people who don't have a driver license because they don't drive or who don't have that ID document on that day, they're still allowed to have their votes counted after attesting to their identity information that is then verified and checked. There's really no need for this additional voter ID law on steroids when we already have the voter ID law, and when we add additional restrictions to our law, we make it more difficult for certain groups to vote—we make it more difficult for students and young people, we make it more difficult for seniors, we make it more difficult for people who don't drive and that's the elderly and the disabled, and we make it more difficult for immigrants who often have a more difficult time getting their ID documents or who may have signatures that are even in another language.

When you make it more difficult for those people, you're also making it more difficult for anyone who lives in a crowded precinct, anyone who lives in an urban area. We know that urban has oftentimes been used synonymously as a word to mean Black in this country, so we know this is going to mean longer lines in communities like mine and longer lines in communities that already experience lines that are way too long—communities like Detroit, communities like Flint—where we've had problems in this state for decades with equal access to the polls because of people in one community who have to wait four or five hours to vote and people in another community can walk right in. That's not equal access to the vote. That's the problem we should be seeking to solve. But this legislation makes that problem worse. This legislation guarantees that lines are going to be longer and they're going to be longer in crowded precincts. They're going to be longer because people are going to get to the front of that line and there's going to be a disagreement about whether or not their vote is going to count.

I also just want to focus on one other problem that is in this law that we should be fixing, which is the problem with signature verification on absentee ballots. We need to tighten this up so that citizens who have their ballots rejected have an opportunity to still have their vote counted. The last thing we want is for some clerk to maybe identify some discrepancy, throw a vote out, and then find out later that that was a valid voter and that signature really did match substantially and maybe that clerk or that election worker made a mistake. We need to tighten this up. We need to make sure that people get information earlier about when their ballots are rejected and we need to give these crowded precincts more resources to be able to get this job done faster. We certainly don't want to have another situation where we're trying to go back days after the election to find out who won based on who was able to get to the clerk's office and who wasn't.

We're setting up a crazy system with more disagreements, and we're not solving the real problems—the real problems like unequal access to votes, we're not solving the real problem of long lines in certain communities—we're actually making the problem of long lines even worse. It's not just those people who might forget their ID or who might have an expired ID because they don't even drive. It's also the person who's waiting at the back of a long line who has kids to get home to, they've got a job to get back to, they can't wait hours in line. Those are the people whose votes we are suppressing by failing to solve the real problems in our electoral system and instead focusing on making lines longer with more box-checking, more bureaucracy, and more restrictions for our voters who once again have shown us time and time again through the audits that we have a system here we can count on, we have a system here that's secure, we have a system here that's dependable, and so that's why so many folks on this side are getting up to say, Look, this is about restricting voting, it's about making it more difficult, and what's going to be the end result of this is that valid voters—people who are legal voters in Michigan—are going to have their ballots thrown out or they're going to be forced to leave that long line that is made longer by these voter suppression tactics.

Senators Nesbitt, Barrett, Hertel, Moss, McBroom and Johnson asked and were granted unanimous consent to make statements and moved that the statements be printed in the Journal.

The motion prevailed.

Senator Nesbitt's statement is as follows:

By now we are all familiar with the long list of everyday transactions and activities that require a photo ID. The list is long but just to name a few, whether you're renting a car, buying a cell phone, drinking a beer,

applying for state assistance, if you got a COVID vaccine there's a good chance they asked you for your photo ID, they asked me. Where's the outrage from across the aisle about that? Mr. President, there's a reason why 80 percent of Americans support showing photo ID to vote, because it's common sense. It's not suppression. I ask for your support of these common sense bills.

Senator Barrett's statement is as follows:

I just wanted to begin my remarks today by pointing out to my friend from the 11th District and all those who joined him in his remarks earlier that the provision to match your signature at your local polling place was removed in the substitute that we adopted just moments ago before taking final passage on this particular bill. Now, the requirement to match your signature is still present for absentee ballots, absolutely, and we should continue to match peoples identity through absentee balloting, through some form of signature verification. And, it is a good practice to match peoples signature at the polling precinct in the event that they choose to vote absentee in the future—they would have their most current signature on file. However, that is not a requirement if you have your photo ID with you to have your signature verification match at the precinct, your photo ID is the gold standard for verifying your identity and that's why we included it in this legislation.

I was disappointed back in June on some of the remarks that were made on the first time we passed this legislation. I was actually absent from this chamber on military assignment and reviewed some of the remarks that were made on the floor that day. I was most struck by the statement that this bill—Senate Bill No. 303—and the others that have been consolidated in their form represented a form of legislative terrorism on the state of Michigan. Now, I don't know for certain but I'm going to hazard a guess here that I've probably met more terrorists than anybody else in this room—571 of them, plus or minus, that was the census in 2004 of detainees, terrorist detainees in Guantanamo Bay, where I spent a year of my life.

These are real terrorists, they hate you, they hate me, they hate all of us. They hate you because you're a woman, or you're a Jew, or you're gay, or a Christian, or you believe that people deserve basic human rights and that we ought to treat people with basic human dignity. That's what real terrorists are and we shouldn't cheapen our debate on this floor by calling people terrorists because we have a policy disagreement with them on the simple expectation that they show their photo ID card to vote, something that is supported by about 80 percent of voters in Michigan. Something that is supported by Republicans, independents, and yes, even Democrats in virtually every public poll that has been conducted. In fact, if you look at the cross-tabs on these polls, the only demographic of people who do not support showing your photo ID as a requirement to obtain your ballot are Democratic elected legislators in Michigan.

So, Mr. President, I would ask that we refrain from some of the overly sensationalized rhetoric around this and simply do the right thing and require people to show their identity in a very basic form in order to cast their ballot.

Senator Hertel's statement is as follows:

I just want to state for the record a reminder for the good Senator from the 26th District that driving a car is not a right, ordering a beer is not a right, and none of the other things he mentioned are rights. The only thing we're talking about is the right to vote—the fundamental right guaranteed and the basis for our country. Trying to compare it to the same process as ordering a beer is part of the problem of not having a serious conversation on the topic.

I would further say that for those commenting about some of the speeches and saying that the substitute does not pertain to it, if you want to have a serious discussion on a bill and pretend like you're actually doing something, it would be helpful if you didn't submit a substitute the morning of with zero conversations with anybody over here. You went and caucused for an hour to talk about whatever you're doing back there. It's really easy to come out afterward and play games and pretend like everybody else is supposed to know what those things were, or we could actually have serious debate and work with each other and try to figure stuff out. This place isn't about that. It's about the nonsense of whatever political thing you'll get on Facebook later on.

Again, I guess I apologize that we weren't able to understand everything that was in a substitute that you didn't care for us to actually understand or read. I apologize that if some of our remarks didn't speak to that directly.

Senator Moss' statement is as follows:

Since my comments were invoked in response to the Senator from the 24th District, I just find it very interesting that over this past year House Republicans and Senate Republicans just can't figure out which voters to suppress. So, that's a moving target that continues to change even before we vote on these bills. So if you continue to push forward and change election law, which is so consequential to the state of Michigan—which is the basic principle here in our governance, that people have the right to vote and the freedom to

vote, and when you continue to change that target of which votes to throw out because you don't like them on any given day, we don't have the same information as you on what's in the final bill package. I'm sure it will change maybe in another ten minutes. So, that's why we are trying to slow this down. When it's a conversation about voting rights, all of us should be participating in it, all of our constituents stand to gain and lose. This is way too consequential, to change the rules, and change the language, and change the bill at the very last minute which again is only to continue the chasing after this fundamental lie that there's something wrong with our elections to begin with.

Senator McBroom's statement is as follows:

The time that I've spent in the Legislature, and I know most of my other colleagues here have been around for a while—most of these policies that we're discussing, these ideas, are not new and just magically spring up after the 2020 election. So, to characterize them as attempting to perpetuate a big lie I believe is, or what's characterized as the "Big Lie" is very unfair and not an analysis that considers the history of what has been going on for a long time in this debate over these particular issues. But, during committee testimony various groups opposing the bills insisted that photo ID is not a valid form of identification, is not a valid verification, because it's not a true method of validating ID. Instead they insisted that the gold standard, they called it that, the gold standard is the signature. They held that up as the only real biometric, was signatures.

Now, today we're hearing signatures are bad and that checking them is not going to be sufficient because, well, signatures change or the people don't have enough training to check them, which is kind of interesting since a bill to increase training was vetoed. Another irony is how signatures were pushed out during the last election and swapped for a presumption of validity, and so all of this whipsawing back and forth about "ID is enough" or "signature is enough and we shouldn't do anything else beyond that" and "oh we couldn't possibly have people write down a driver license number or an ID number on their application, that's too much" even though its okay for registration, but it's too much to ask for later on.

I just have to keep coming back to the arguments I've stated up here before, what can we actually do? Is any level of security ever going to be acceptable? "No" votes on IDs, "no" votes on signatures, "no" votes on ID numbers for AV voting. In the end the opposition is attempting to construe there only being two positions taken by the side that's advancing these bills and those positions are that there's either freedom to vote or there's restricting the vote to some extreme measure with malice and intent. But, this is not really the truth of what's there. There's a middle ground to be had and there is another extreme to be had, the middle ground is in utilizing readily available and culturally adopted—societally adopted—methods of ID. It is in having a rigorous, fair, simple and consistent process. The other extreme is having no guards for integrity whatsoever.

Now, I find that extreme, it's very unlikely that anybody really supports that idea and so the question that we have to continue to consider is what safeguards will we consider to be worthy and acceptable? I believe that the ones in this bill fit that bill, and I've yet to hear how they don't because they're readily available, they're societally accepted, they're promoted in midst of all different things that we do in our society. And so let's look for this reasonable ground but stay away from either extreme of saying no security whatsoever because obviously nobody really believes that, but this other extreme is ridiculous too. Everybody should have access to the ballot who is a legal voter, but we have to have some sort of safeguards in this process. I encourage a "yes" vote.

Senator Johnson's statement is as follows:

I rise to ask my colleagues to join me in supporting Senate Bill No. 303 as well as the companion bills Senate Bill No. 304 and House Bill No. 5007. As I've stated before in this chamber, there is broad, bipartisan support for requiring individuals to use government-issued ID when voting to ensure the integrity of our elections. When we passed Senate Bill No. 303 earlier this year, I referenced a 2021 Detroit Regional Chamber poll which found that 79.7 percent of Michigan registered voters support the use of ID for voting, including 83.4 percent of independent voters and a majority—58.4 percent—of Democratic voters as well. The substitute to Senate Bill No. 303 before us continues to ensure that absentee voters would not need to make a physical copy of their driver license or state ID, but instead could simply write down their identifying information on their absentee ballot application. As when we passed bills earlier this year, the legislation before us today also provides important safeguards for individuals who may show up to the polls without their ID or who fail to provide their ID information on their absentee ballot application. Senate Bill No. 304 which is tie-barred to Senate Bill No. 303 would provide an individual up to six days following an election to verify their identity with their local clerk so that their vote can be counted. As I stated in June when we took up Senate Bill No. 303, "Beyond voting, ID is an essential part of everyday life for most Americans. We must show ID for many things in our lives, including getting on an airplane, opening a bank account, buying alcohol, or even applying for a fishing license."

That's why I'm very proud that today we'll also consider House Bill No. 5007 sponsored by Representative Berman which is tie-barred to Senate Bill No. 303 and which would make state personal identification cards free of charge to Michigan residents. We've also included two additional important election integrity measures in the substitute to Senate Bill No. 303 before this chamber. First, the bill would prohibit the use of third-party money for election administration in our state. We saw jurisdictions during the 2020 election cycle which received grants worth more than 50 percent of their total elections budgets who were made to sign contracts specifying how the monies could be spent. Appropriations for election-related activities should be the purview of the legislative bodies, not private donors.

Secondly, the substitute to Senate Bill No. 303 adds language to prohibit the Secretary of State or other government officials from sending unsolicited absentee ballot applications to people. Our current Secretary of State spent over half of the federal CARES Act money provided to her office last year which was intended to assist clerks with COVID-related expenses to instead send unsolicited mailings, including 7.7 million unsolicited absentee ballot applications contrary to existing practice in Michigan and Michigan case law. Included in this mailing were over 800,000 individuals who were not qualified to vote in the state of Michigan. The Secretary of State and her director of elections even admitted in committee that they purposely included individuals in this mailing who it was reported to Michigan had surrendered their driver license to another state. The bills before us today would greatly enhance security and integrity of our elections or providing appropriate safeguards to protect the rights of voters including by offering free state ID cards, by not requiring absentee voters to make copies of their ID, and by issuing provisional ballots with an opportunity for voters to verify their identity with their local clerk so that their vote will be counted.

I urge my colleagues to join me in supporting these bills.

Announcements of Printing and Enrollment

The Secretary announced the enrollment printing and presentation to the Governor on Tuesday, October 5, for her approval the following bills:

Enrolled Senate Bill No. 128 at 1:33 p.m.

Enrolled Senate Bill No. 277 at 1:35 p.m.

The Secretary announced that the following bills and resolution were printed and filed on Tuesday, October 5, and are available on the Michigan Legislature website:

Senate Bill Nos. 672 673 674

Senate Resolution No. 84

House Bill Nos. 5357 5358 5359 5360 5361 5362 5363 5364 5365 5366 5367

Committee Reports

The Committee on Education and Career Readiness reported

Senate Bill No. 645, entitled

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 504, 524, 556, and 1311g (MCL 380.504, 380.524, 380.556, and 380.1311g), sections 504 and 556 as amended by 2011 PA 277, section 524 as amended by 2018 PA 619, and section 1311g as amended by 2018 PA 42.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Lana Theis
Chairperson

To Report Out:

Yeas: Senators Theis, Horn, Runestad, Daley, Polehanki and Geiss

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Education and Career Readiness reported

Senate Bill No. 664, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 6, 21f, 101, and 163 (MCL 388.1606, 388.1621f, 388.1701, and 388.1763), sections 6, 21f, and 101 as amended by 2021 PA 48 and section 163 as amended by 2021 PA 15.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.
The committee further recommends that the bill be given immediate effect.

Lana Theis
Chairperson

To Report Out:

Yeas: Senators Theis, Horn, Runestad, Daley, Polehanki and Geiss

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Education and Career Readiness submitted the following:

Meeting held on Tuesday, October 5, 2021, at 12:00 noon, Room 1300, Binsfeld Office Building

Present: Senators Theis (C), Horn, Runestad, Daley, Polehanki and Geiss

The Committee on Energy and Technology reported

Senate Bill No. 103, entitled

A bill to provide for the rights of certain electric transmission line owners.

With the recommendation that the substitute (S-2) be adopted and that the bill then pass.

The committee further recommends that the bill be given immediate effect.

Dan Lauwers
Chairperson

To Report Out:

Yeas: Senators Lauwers, Horn, LaSata, Bizon, Schmidt, McCann, Brinks and McMorro

Nays: Senators Barrett and Bumstead

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Energy and Technology submitted the following:

Meeting held on Tuesday, October 5, 2021, at 2:00 p.m., Senate Hearing Room, Ground Floor, Boji Tower

Present: Senators Lauwers (C), Horn, LaSata, Barrett, Bumstead, Bizon, Schmidt, McCann, Brinks and McMorro

Excused: Senators Nesbitt and Bullock

The Committee on Regulatory Reform reported

House Bill No. 4207, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 1108 (MCL 339.1108), as amended by 2014 PA 136.

With the recommendation that the bill pass.

Aric Nesbitt
Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, Zorn, Moss, Polehanki and Wojno

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

House Bill No. 4557, entitled

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 525 (MCL 436.1525), as amended by 2021 PA 19.

With the recommendation that the substitute (S-1) be adopted and that the bill then pass.

Aric Nesbitt
Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers and Zorn

Nays: None

The bill and the substitute recommended by the committee were referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

House Bill No. 4558, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 16307a.

With the recommendation that the bill pass.

Aric Nesbitt

Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers and Zorn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

House Bill No. 4559, entitled

A bill to amend 1979 PA 152, entitled "State license fee act," (MCL 338.2201 to 338.2277) by adding section 4a.

With the recommendation that the bill pass.

Aric Nesbitt

Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers and Zorn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

House Bill No. 4560, entitled

A bill to amend 2016 PA 407, entitled "Skilled trades regulation act," (MCL 339.5101 to 339.6133) by adding section 417a.

With the recommendation that the bill pass.

Aric Nesbitt

Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers and Zorn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

House Bill No. 4561, entitled

A bill to amend 2000 PA 92, entitled "Food law," by amending sections 2125, 3119, 4111, 4113, 4115, and 6137 (MCL 289.2125, 289.3119, 289.4111, 289.4113, 289.4115, and 289.6137), sections 2125 and 4113 as amended by 2015 PA 61, section 3119 as amended by 2018 PA 92, section 4111 as amended by 2016 PA 188, and section 6137 as amended by 2007 PA 114, and by adding section 4118.

With the recommendation that the bill pass.

Aric Nesbitt

Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers and Zorn

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

House Bill No. 4780, entitled

A bill to amend 1976 IL 1, entitled “A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies,” by amending section 3c (MCL 445.573c), as amended by 1996 PA 384.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Aric Nesbitt
Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, Zorn, Moss, Polehanki and Wojno

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

House Bill No. 4781, entitled

A bill to amend 1976 IL 1, entitled “A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies,” (MCL 445.571 to 445.576) by adding section 4c.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Aric Nesbitt
Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, Zorn, Moss, Polehanki and Wojno

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

House Bill No. 4782, entitled

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 14h of chapter XVII (MCL 777.14h), as amended by 2019 PA 49.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Aric Nesbitt
Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, Zorn, Moss, Polehanki and Wojno

Nays: None

The bill was referred to the Committee of the Whole.

The Committee on Regulatory Reform reported

House Bill No. 4783, entitled

A bill to amend 1976 IL 1, entitled “A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies,” by amending section 4 (MCL 445.574), as amended by 1998 PA 473.

With the recommendation that the bill pass.

The committee further recommends that the bill be given immediate effect.

Aric Nesbitt
Chairperson

To Report Out:

Yeas: Senators Nesbitt, Theis, Johnson, Lauwers, Zorn, Moss, Polehanki and Wojno

Nays: None

The bill was referred to the Committee of the Whole.

COMMITTEE ATTENDANCE REPORT

The Committee on Regulatory Reform submitted the following:

Meeting held on Tuesday, October 5, 2021, at 3:00 p.m., Room 1200, Binsfeld Office Building

Present: Senators Nesbitt (C), Theis, Johnson, Lauwers, Zorn, Moss, Polehanki and Wojno

Excused: Senator VanderWall

Scheduled Meetings

Administrative Rules, Joint – Thursday, October 7, 3:00 p.m., Room 327, Anderson House Office Building, (517) 373-5312 (CANCELLED)

Finance – Wednesday, October 13, 12:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5312

Health Policy and Human Services – Thursday, October 7, 1:00 p.m., Room 1100, Binsfeld Office Building (517) 373-5323

Local Government – Thursday, October 7, 1:30 p.m., Room 1200, Binsfeld Office Building (517) 373-5312

State Drug Treatment Court Advisory Committee – Tuesday, October 19, 10:00 a.m., Legislative Council Conference Room, 3rd Floor, Boji Tower (517) 373-0212

Senator Chang moved that the Senate adjourn.

On which motion Senator Lauwers requested the yeas and nays.

The yeas and nays were ordered, 1/5 of the members present voting therefor.

The motion prevailed, a majority of the members voting therefor, as follows, the time being 12:43 p.m.:

Roll Call No. 370

Yeas—18

Alexander	Chang	McCann	Polehanki
Ananich	Geiss	McMorrow	Runestad
Bayer	Hertel	Moss	Santana
Bizon	Hollier	Nesbitt	Wojno
Brinks	Irwin		

Nays—17

Barrett	LaSata	Outman	Theis
Bumstead	Lauwers	Schmidt	VanderWall
Daley	MacDonald	Shirkey	Victory
Horn	McBroom	Stamas	Zorn
Johnson			

Excused—1

Bullock

Not Voting—0

In The Chair: President

The President, Lieutenant Governor Gilchrist, declared the Senate adjourned until Thursday, October 7, 2021, at 10:00 a.m.

MARGARET O'BRIEN
Secretary of the Senate