

## HOUSE RESOLUTION NO. 89

Reps. Tsernoglou, Wooden, Herzberg, Glanville, Liberati, Morgan, Byrnes, Pohutsky, Dievendorf, Miller, Paiz, Andrews, B. Carter, McKinney, Martus, Neeley, O'Neal, Hope, MacDonell, Skaggs, Young, Wilson, Koleszar, Wegela, Steckloff, McFall, Breen, Rheingans, T. Carter, Coffia, Longjohn, Brixie, Price, Mentzer, Conlin, Foreman, Xiong, Fitzgerald, Puri, Weiss and Myers-Phillips offered the following resolution:

1       A resolution to affirm the constitutional right of the people  
2 of Michigan to propose amendments to the Michigan Constitution and  
3 to approve or reject those amendments, including constitutional  
4 amendments that impact federal elections, such as Proposal 3 of  
5 2018 and Proposal 2 of 2022.

6       Whereas, The Michigan Constitution establishes multiple  
7 mechanisms by which the people may participate in direct democracy,  
8 becoming directly involved in the proposal and adoption of our

1 laws, including amendments to our constitution. Article XII,  
2 Section 2 of the Michigan Constitution expressly empowers the  
3 registered voters of this state to propose amendments to the state  
4 constitution by petition, and it provides for such a proposed  
5 amendment to become part of the state constitution if it is  
6 approved by a majority of the voters voting on the question; and

7       Whereas, The people of Michigan exercised their constitutional  
8 rights when they proposed and subsequently approved Proposal 3 of  
9 2018 and Proposal 2 of 2022. Each of these proposals amended the  
10 state constitution with regard to elections and was further  
11 codified in statute by the Legislature. As amended, the Michigan  
12 Constitution provides that United States citizens who are qualified  
13 voters have the right to be automatically registered to vote as a  
14 result of conducting business with the Secretary of State regarding  
15 a driver's license or personal identification card, as well as the  
16 right to register to vote in person on election day, with proof of  
17 residency. Registered voters have the right to no-reason absentee  
18 voting, the right to request placement on the permanent absentee  
19 ballot list, the right to vote in person at an early voting site  
20 prior to election day, and the right to prove their identity when  
21 voting in person or applying for an absentee ballot in person using  
22 various forms of photo identification or, if they do not have photo  
23 identification or do not have it with them, to execute an affidavit  
24 verifying their identity. Those serving in the military or living  
25 overseas also have the right to have their absentee ballot counted  
26 if it was postmarked on or before election day and received within  
27 six days following the election. These and other rights were  
28 enshrined in our constitution as a direct expression of the will of  
29 the people; and

1       Whereas, Several individual legislators are seeking to subvert  
2 that will by asking the federal courts to overturn the passage of  
3 Proposal 3 of 2018 and Proposal 2 of 2022. In the case *Lindsey v.*  
4 *Whitmer*, certain legislators are arguing that, under the Elections  
5 Clause of the Constitution of the United States, only state  
6 legislatures and Congress may regulate the election of Senators and  
7 Representatives in Congress, such that the use of the citizen-  
8 initiated constitutional amendment process under Article XII,  
9 Section 2 of the Michigan Constitution to regulate the times,  
10 places, and manner of federal elections without the involvement of  
11 the Michigan Legislature is unconstitutional. These legislators  
12 would have the court invalidate Proposal 3 of 2018 and Proposal 2  
13 of 2022, and they seek to prevent the use of this process for any  
14 future constitutional amendments that would regulate federal  
15 elections. The legislators are continuing to pursue this case,  
16 having filed a petition for a writ of certiorari with the Supreme  
17 Court of the United States on March 20, 2025. If successful, these  
18 legislators would silence the direct voice of the people and  
19 nullify the right of the people to propose and ratify  
20 constitutional amendments guaranteed by the Michigan Constitution;  
21 and

22       Whereas, On March 25, 2025, President Donald Trump issued an  
23 executive order entitled "Preserving and Protecting the Integrity  
24 of American Elections." This order attempts to restrict voter  
25 registration in several ways. First, it directs the United States  
26 Election Assistance Commission to require documentary proof of  
27 United States citizenship with its national mail voter registration  
28 form, and similarly directs the United States Secretary of Defense  
29 to update the federal post card application to include such a

1 requirement. It also requires federal voter registration agencies  
2 to assess the citizenship of public assistance program enrollees  
3 before providing a federal voter registration form and prohibits  
4 federal agencies from continuing to implement an executive order  
5 issued by the Biden Administration, which generally directed  
6 federal agencies to expand opportunities to register to vote and  
7 cast a ballot. The order threatens to withhold federal funds for  
8 election administration from states that do not comply with federal  
9 voting laws, including the requirement to accept the federal mail  
10 voter registration form; and

11       Whereas, The Trump Administration's executive order on  
12 "Preserving and Protecting the Integrity of American Elections"  
13 also attempts to regulate the conduct of elections. It directs the  
14 Election Assistance Commission to review and, if appropriate, to  
15 amend the Voluntary Voting System Guidelines to incorporate certain  
16 requirements and rescind all previous certifications of voting  
17 equipment under the prior standards, which may impose costly new  
18 requirements in states that require compliance with these  
19 guidelines. Furthermore, the executive order interprets the federal  
20 statutes establishing election day to mean that no ballots cast for  
21 federal office received after election day should be counted. As  
22 such, the order instructs the Attorney General to "enforce" these  
23 laws against states that "violate these provisions" by including  
24 absentee ballots received after election day in the final  
25 tabulation of votes for federal offices. Again, the order threatens  
26 to withhold funding from states that do not comply by establishing  
27 a ballot receipt deadline of election day for all methods of  
28 voting, excluding ballots cast in accordance with the Uniformed and  
29 Overseas Citizens Absentee Voting Act; and

1       Whereas, This executive order is in serious tension with  
2 Proposal 3 of 2018 and Proposal 2 of 2022, which were  
3 overwhelmingly approved by the people of the state of Michigan, and  
4 seems to go beyond the power of the President to execute the law.  
5 The Elections Clause of the Constitution of the United States gives  
6 the power to regulate the times, places, and manner of federal  
7 elections to Congress and the states, not to the President. Indeed,  
8 no such constitutional or statutory authority rests with the  
9 President of the United States; and

10       Whereas, The *Lindsey v. Whitmer* lawsuit and the March 2025  
11 executive order are not the only threats to voting rights in  
12 Michigan. In our state, House Joint Resolution B of 2025 would  
13 amend the Michigan Constitution to require United States  
14 citizenship to be verified when an individual registers to vote and  
15 require photo identification in order to vote. At the federal  
16 level, the SAVE Act would similarly require documentary proof of  
17 United States citizenship when an individual registers to vote, or  
18 other evidence of citizenship if determined sufficient by state or  
19 local election officials; and

20       Whereas, House Joint Resolution B, the federal SAVE Act, and  
21 President Trump's executive order all seek to impose additional  
22 burdens on voters by requiring expensive and often difficult to  
23 obtain citizenship documentation. Findings from the Center for  
24 Democracy and Civic Engagement at the University of Maryland show  
25 that over nine percent of voting-age citizens either do not have or  
26 could not easily access a U.S. birth certificate, a U.S. passport,  
27 a U.S. Naturalization Certificate, or a U.S. Certificate of  
28 Citizenship. Obtaining a certified copy of a birth certificate in  
29 Michigan can cost upwards of 34 dollars, and a U.S. passport can

1 cost upwards of 130 dollars. The imposition of financial burdens  
2 and inefficient election processes is the antithesis of the voter-  
3 proposed and voter-approved constitutional amendments to make  
4 registering to vote and casting a vote more accessible in Michigan;  
5 and

6       Whereas, Michigan's elections are safe and secure. Following  
7 the allegations of fraud in the 2020 election, more than 250  
8 election audits were conducted in this state, which included  
9 participation by more than 1,300 clerks identifying as Republican,  
10 Democratic, and nonpartisan alongside Bureau of Elections staff.  
11 There were no findings of widespread fraud by election officials,  
12 nor was there proof that the election was stolen. The Republican-  
13 led Michigan Senate also conducted an oversight investigation that  
14 debunked the "Big Lie" theories of fraud in the 2020 election. In  
15 2024, Michigan was ranked second in the nation for election  
16 administration using the Elections Performance Index calculated by  
17 the MIT Election Data and Science Lab, a significant increase over  
18 the state's prior rankings of thirty-first in 2018 and seventh in  
19 2020; and

20       Whereas, As demonstrated by the approval of Proposal 3 of 2018  
21 and Proposal 2 of 2022, the people of Michigan have faith in our  
22 election system. The voters who ratified these amendments  
23 understand that increasing access to elections only strengthens  
24 participation and security, and that it is essential to advancing  
25 the fundamental right to free and fair elections; now, therefore,  
26 be it

27       Resolved by the House of Representatives, That we affirm the  
28 constitutional right of the people of Michigan to propose  
29 amendments to the Michigan Constitution and to approve or reject

1 those amendments, including constitutional amendments that impact  
2 federal elections, such as Proposal 3 of 2018 and Proposal 2 of  
3 2022; and be it further

4       Resolved, That we commit to the continued implementation and  
5 enforcement of Proposal 3 of 2018 and Proposal 2 of 2022; and be it  
6 further

7       Resolved, That copies of this resolution be transmitted to the  
8 Secretary of State, the members of the Michigan congressional  
9 delegation, and the President of the United States.