

## HOUSE RESOLUTION NO.17

Rep. Hornberger offered the following resolution:

1       A resolution authorizing the Speaker to act on behalf of the  
2 House of Representatives in *League of Women Voters of Michigan, et*  
3 *al v. Jocelyn Benson.*

4       Whereas, On August 9, 2011, following the 2010 Census, then-  
5 Governor Rick Snyder signed into law Public Acts 128 and 129 of  
6 2011. These acts collectively provided for the redistricting of  
7 congressional and state legislative districts, as required by the  
8 U.S. and Michigan constitutions and in accordance with state law.  
9 Specifically, Public Act 129 of 2011, which passed both chambers of  
10 the Legislature with bipartisan support, provided for the  
11 redistricting of the Michigan House of Representatives and the  
12 Senate; and

13       Whereas, On December 22, 2017, the League of Women Voters of

1 Michigan and other named individuals filed an action against the  
2 Secretary of State, in her official capacity, in the United States  
3 District Court for the Eastern District of Michigan, Case No. 2:17-  
4 cv-14148, contending that the congressional and state legislative  
5 district maps are unconstitutional partisan gerrymanders in  
6 violation of the First and Fourteenth Amendments of the U.S.  
7 Constitution; and

8       Whereas, Following the filing of the action, then-Secretary of  
9 State Ruth Johnson engaged in a vigorous defense of Public Acts 128  
10 and 129 of 2011, including the filing of multiple motions to  
11 dismiss the lawsuit and for summary judgement. On November 6, 2018,  
12 the people of Michigan elected Jocelyn Benson as Secretary of  
13 State, succeeding Secretary of State Johnson on January 1, 2019;  
14 and

15       Whereas, On January 17, 2019, Secretary of State Benson,  
16 through newly appointed counsel, filed a motion to stay the  
17 proceedings. In the motion and subsequent filings and public  
18 statements, the Secretary of State expressed a desire to cease  
19 defending the law and instead settle the matter with the  
20 plaintiffs, including by agreeing to allow for the redrawing of  
21 state legislative districts for the 2020 elections. The filing of  
22 such a motion effectively ended the adversarial role of the  
23 Secretary of State and its meaningful participation in and defense  
24 of this matter; and

25       Whereas, The Speaker of the House moved to intervene in his  
26 official capacity, and intervention was granted after appeal to the  
27 United States Court of Appeals for the Sixth Circuit; and

28       Whereas, Members of the Michigan House of Representatives now  
29 have an additional interest in this matter, as the proposed remedy

1 could invalidate numerous House districts and result in the  
2 redrawing of substantially more than that number; and

3       Whereas, The House of Representatives must seek to defend its  
4 unique role in Michigan's constitutional system; now, therefore, be  
5 it

6       Resolved by the House of Representatives, That the Speaker of  
7 the House, in his official capacity as an intervenor, is authorized  
8 to speak for the House of Representatives in *League of Women Voters*  
9 *of Michigan, et al v. Jocelyn Benson* (2:17-cv-14148) and take all  
10 necessary steps incidental thereto, including, but not limited to,  
11 pursuing or defending any appeals.