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# Capitol Corner

News Brief

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## In this issue:

- Michigan Senate Map Back In Spotlight After Supremes Reject Alabama's Voting Map
- Conversion Therapy Ban Moves Again, Less than 24 Hours Later
- Benson Doesn't Downplay Possible Gubernatorial Run
- Consumers Executive Sees More Buried Power Lines As Protection Against Outages
- Whitmer Asked About Banning Fireworks

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### **Michigan Senate Map Back In Spotlight After Supremes Reject Alabama's Voting Map**

A U.S. Supreme Court decision that sends Alabama congressional map makers back to the drawing board for not making enough Black majority districts throws the future of Michigan's Senate and, maybe, House map into question.

In a 5-4 opinion from Chief Justice John G. ROBERTS Jr., the court affirmed a lower court's finding that Alabama's congressional map likely violated Section 2 of the Voting Rights Act (VRA) when it drew only one of its seven congressional districts with a majority Black population. The rest were majority white districts that elected Republicans.

Only the 7th District has 55% of its population as being Black, despite 27% of Alabama's population being Black. Per the VRA, the calculations would show the state needed at least two.

The majority opinion was signed in full by Justices Roberts, Sonia SOTOMAYOR, Elena KAGAN and Ketanji Brown JACKSON.

Justice Brett KAVANAUGH concurred that Alabama's redistricting plan violates VRA, but he dissented from another portion of the majority's opinion.

In Michigan, the state Senate map went from having five seats with a majority Black population to zero. Predictably, the number of Black senators went down from five to three.

Over in the state House, the number of majority Black districts went from 12 to 6, but the number of Black House members stayed at 14.

The Congressional map went from two majority Black districts to zero. The number of Black members of Congress stayed unchanged at one.

Instead of "packing" Black voters into districts as prior maps had done, Michigan's first-ever Independent Citizens Redistricting Commission (ICRC) "cracked" Detroit in the legislative maps, making Detroit the hub of a wheel with the districts being the spokes that stretched (in every case) into a neighboring city.

The ICRC's legal counsel had argued that as long as it can prove that Black candidates would have a good chance of winning in a particular district based on historical data, the maps adhere to the U.S. Voting Rights Act.

ICRC attorney Bruce ADELSON told the Commission a district may only need 40% Black voters for a Black candidate to win, based on fairly recent elections.

So far, the ICRC has won in court, but with today's decision, that could change. Two sources told MIRS, "This absolutely throws the current lines into question."

It puts the Commission in a bad spot and, on first blush, this case seems to side with those who believe that Michigan's legislative lines were drawn in violation of the VRA, which requires states to ensure that the number of majority-minority districts is representative of the state's demographics.

"The Redistricting Commission disrespected African-American voting communities and many people sounded the alarm," said Rep. Graham FILLER (R-St. Johns). "Now, Michigan politics may be turned on its head as these districts are redrawn."

As far as the decision, Justice Clarence THOMAS sharply disagreed, saying Section 2 doesn't demand that Alabama redraw the map "so that black voters can control a number of seats roughly proportional to the black share of the State's

population." The law doesn't allow it, he noted, and if it did "the Constitution would not permit it."

Section 2 "does not remedy or deter unconstitutional discrimination in districting in any way, shape, or form," Thomas wrote. "On the contrary, it requires it, hijacking the districting process to pursue a goal that has no legitimate claim under our constitutional system: the proportional allocation of political power on the basis of race."

Justice Samuel A. ALITO Jr., who also wrote a dissenting opinion, and Justices Neil GORSUCH and Amy Coney BARRETT joined Thomas in part or in full.

Michigan Secretary of State Jocelyn BENSON called today's ruling "an important victory for the voting rights of every American."

She added: "After years of rulings that undermined the Voting Rights Act, I'm gratified to see the Court enforcing the law as intended. This case demonstrates the continued need for fairness when governments make decisions about voting districts. It also highlights the need for a Michigan Voting Rights Act to protect and support Michigan voters. I look forward to continuing to work with partners in the Legislature to pass the necessary bills in the months ahead."

The Republican-led Alabama Legislature redrew its congressional maps based on the 2020 Census. Of its seven congressional districts, one had a majority of Black voters and that lone district traditionally elects a Democrat while the other districts are Republican-led.

Two groups of plaintiffs sued in November 2021 and in January 2022, a three-judge district court panel, that included two former President Donald TRUMP appointees, unanimously ruled the state should have created two districts with a majority or close-majority of Black voters.

"We see no reason to disturb the District Court's careful factual findings," Roberts wrote.

A number of organizations, including the Southern Poverty Law Center and League of Women Voters, praised the ruling, as did Maya WILEY, president and CEO of The Leadership Conference on Civil and Human Rights, who called it a decision to protect the freedom to vote. In a statement, Wiley called on Congress to take action to restore the VRA.

Priorities USA Deputy Executive Director Aneesa McMILLAN also praised the decision, saying it is a "crucial win for Black voters who have historically faced unnecessary barriers to the ballot box in the state."

## Conversion Therapy Ban Moves Again, Less than 24 Hours Later

Bills that ban conversion therapy for minors were voted out of the House Health Policy Committee after being voted out of a subcommittee less than 24 hours prior.

Conversion therapy, the practice of attempting to change an individual's sexual orientation, gender identity or gender expression to align with heterosexual or cisgender norms, is not therapy at all, said Rep. Felicia BRABEC (D-Ann Arbor), chair of the Behavioral Health subcommittee.

The bills are an explicit ban on "saying to someone, 'who you are is not OK, and it's wrong.' That's not what we do in therapy," Brabec said.

Rep. Graham FILLER (R-St. Johns) asked about how the ban would affect an individual seeking therapy to rid themselves of homosexual or transgender feelings.

Brabec said therapy is client-led and affirming to allow a "safe, welcoming space" for clients to explore their identities.

Rep. Jamie THOMPSON (R-Brownstown) asked if a conversion therapy ban would mean a 6-year-old having transgender thoughts or feelings would have their suspicions "affirmed", and Brabec said the affirming environment of therapy is "one of trust and it's affirming no matter what folks are coming in for."

Testimony during Wednesday's Behavioral Health Subcommittee meeting explained the physical forms of conversion therapy that are used to "train" an individual out of homosexuality or being transgender, such as being counseled to not speak to feminine relatives for years, applying heat or ice to genitals in response to pornographic imagery, taking performance-enhancing medication to encourage sexual desire for a particular gender and electroshock therapy.

"I found it very compelling to hear the details of conversion therapy. I was unaware of the physically torturous practices that take place," said Rep. Carol GLANVILLE (D-Grand Rapids) who serves on both the committee and subcommittee.

## MIRS QUOTE OF THE WEEK

"You always did."

- Radio host Michael Patrick SHIELS after former Gov. Rick SNYDER apologized during a live interview for sounding like a "broken record" when giving a non-answer on a question about who he sees being the Republicans' U.S. Senate nominee next year.

## Benson Doesn't Downplay Possible Gubernatorial Run

If you're putting together an early list of potential 2026 gubernatorial candidates, don't leave out the name of Secretary of State Jocelyn BENSON.

The term-limited Secretary of State conceded on Michigan's Big Show starring Michael Patrick SHIELS that she is "looking at the opportunity to continue expanding (her) work" of making state agencies "more efficient and effective."

Shiels opened up the subject when the two were discussing Benson's recent graduation speech at Wellesley College.

Shiels: "Did they say they would ask you back when you're governor?"

Benson: "They did not. But you know, fingers crossed."

Sheils: "Fingers crossed? That they ask you back or fingers crossed you'll be governor?"

Benson: "I would always hope to have an open invitation to come back to Wellesley any time and speak with their students, and it was a great homecoming in that regard."

Shiels: "How does it feel to have your name mentioned frequently as the potential next governor of Michigan?"

Benson: "I think it's great affirmation of the work that we've done to reform a state agency and take it from a very inefficient service of delivery, driver's license and plates and make it one of the best-run DMVs in the country . . .

"So, to me, it's a reflection of the work we've been able to do to make government work better. And, yeah, I'm looking at the opportunity to continue expanding that work because I think every state agency needs to be efficient and effective and deliver results for every citizen in the state."

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## Consumers Executive Sees More Buried Power Lines As Protection Against Outages

CMS and Consumers Energy CEO Garrick ROCHOW told a House committee that he'd support increasing the number of buried powerlines by 400 miles annually if the Michigan Public Service Commission signs off on it.

Speaking in front of the House Energy, Communications and Technology Committee, Rochow said increasingly severe weather, both in terms of frequency and intensity, has brought higher wind speeds and ice that downs power lines and results in more outages.

The last eight of Michigan's most severe storms have occurred in the past 20 years, Rochow said.

"The electric distribution system was not designed to meet this level of intensity," he said, "which means we're going to need to continue to invest in that system to harden our system for the future."

Rochow said these longer-term investments reflect the need to prepare for future intense weather and the future needs of the grid, one of which includes an undergrounding pilot program.

He said Michigan's system of lines is about 10% underground, while other Midwest utilities are closer to 35% or 40%.

Underground is not for every situation, he said, but added that Consumers intends to create a pilot program for installing underground lines where data identifies that they're most needed.

Admittedly, burying power lines is more of a long-term solution. More tree-trimming is more a short-term answer to reducing outages.

Consumers is on target to spend \$108 million on tree-

trimming related work this year, he said. The company is also using data analytics to better predict tree-related outages, as well as customize the tree-trimming schedule based on the expected growth of trees.

Rochow said Consumers is also shrinking the system by installing more fuses, or sections, so power interruptions in one area affect fewer customers overall.

These fixes, along with decreased response times, have allowed power restoration in 24 hours or less in more than 96% of customer cases, Rochow said.

But in the wake of March 2023 ice storms that affected as many as 750,000 homes over multiple days, Rochow said Consumers recognized "our performance is not good enough".

Rochow said in the past, Michigan's design of and investment in the grid has limited instances of mass outages, referencing Texas's 2021 mass outages.

But despite these programs, Rep. Jaime CHURCHES (D-Wyandotte) expressed concern that the size of Consumers and the large number of customers served means not enough focus on all customers receiving justice for outages.

## THIS WEEK IN MICHIGAN HISTORY

On June 10, 1916, famous author Ernest HEMINGWAY embarked on one of his numerous trips to Michigan that is said to have influenced his "Nick ADAMS" stories.

Hemingway planned to fish in the Bear Creek in Manistee County, the Boardman River near Traverse City, and the Rapid River in Kalkaska. He later remarked that the fishing in Kalkaska was the best he had ever experienced.

"Are we really looking at people's needs over profits?" Churches asked.

Rochow had spoken about affordability during his presentation, citing 10 years of customer bills below the national average.

Churches asked if Consumers would be open to reimbursing customers for days without power, and Rochow referenced the current \$35 daily outage credit.

She then asked if the company believes that \$35 is enough, despite the fact that it's lower than the cost to replace spoiled food in a refrigerator without power.

Rochow said the credit system is not meant to be restorative and pointed out that Michigan is the only state that offers an outage credit.

Instead, he said, "The best thing we can do is to avoid the outage."

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## **Whitmer Asked About Banning Fireworks**

Gov. Gretchen WHITMER is not to the point of banning fireworks, but she is urging residents to take seriously concerns about air quality and dry conditions.

"We are discouraging people from burning anything right now," Whitmer said at a press conference this week, after she was asked by reporters about the issue of Canadian and Michigan forest fires reducing air quality.

Michigan's Wilderness Trail Fire has been contained as of last night, but the fire danger remains high throughout the state. The fires from Canada made Detroit's air quality one of the worst in the world this morning, but much of that bad air is now blowing over New York and rural Pennsylvania. Check out this map from the U.S. Environmental Protection Agency.

The Governor said she's communicating with neighboring state governors to monitor the situation.

Wildfires impact the quality of life and ability to breathe, she said.

"This is why our work around climate and improving air quality and water quality is so important," Whitmer said.