

CAPITOL NEWS UPDATE

WEEK OF JANUARY 31, 2022



McAlvey Merchant
& ASSOCIATES

MICHIGAN SUPREME COURT DISMISSES CHALLENGE TO REDISTRICTING— RULES NO VOTING RIGHTS VIOLATION

The Michigan Supreme Court on Thursday rejected a lawsuit filed by Detroit lawmakers, local politicians, and Democratic activists against the Independent Citizens Redistricting Commission.

The Lawsuit alleged that newly drawn voting district maps created by the commission violated the 1965 Voting Rights Act by eliminating majority-Black congressional and state Senate districts and reducing the number of these districts in the state House, all of which, historically, had been drawn through Detroit.

The high court majority, made up of three of four Democratic nominees including Chief Justice Bridget McCormack, Justice Elizabeth Welch and Justice Megan Cavanagh and Republican nominee Justice Elizabeth Clement, said that reducing the majority-Black districts in itself is not a violation of the Voting Rights Act. The unsigned order ruled that the plaintiffs in *Detroit Caucus v. MICRC* did not demonstrate that the newly redrawn plans were noncompliant with the Michigan Constitution's requirement that the maps comply with the Voting Rights Act. Therefore, the requested relief – which would have forced the commission to redraw its maps – was denied and the case dismissed. The court also ruled that the MICRC's actions did not challenge previous precedent, which sets the threshold for when a majority-minority district is necessary.

There are currently 17 majority-Black districts in Michigan including two in Congress, five state Senate districts, and 10 state House districts. In the MICRC's proposed maps, only 1 of the 10 released had a voting-age population of more than 50 percent African Americans.

Justices expressed concern that the plaintiffs did not provide sufficient evidence that the new maps diluted minority votes.

The court also cited expert analysis from the MICRC which argued that its analyses had found a “significant white crossover voting for Black-preferred candidates... had the effect of affording Black voters an equal opportunity to elect representatives of their choice even in the absence of 50%+ majority-minority districts.”

The majority opinion also said this analysis went “unrebutted” by the plaintiffs.

The dissenting opinion of Republican-nominated Justices Brian Zahra and David Viviano, along with Democratic-nominated Justice Richard Bernstein, argued that the court's dismissal was

“premature” and “completely unprecedented.” They also argued that because the case came to the Supreme Court as an original action, more analysis was necessary.

"We would appoint an independent expert to assist the court in assessing the evidence and factual assertions presented thus far and any additional evidence the parties would develop and submit for review," the dissenting justices wrote.

GM ANNOUNCES \$7 BILLION INVESTMENT IN MICHIGAN FOR BATTERY PRODUCTION AND ELECTRIC VEHICLES, FOLLOWING \$600 MILLION IN INCENTIVES

General Motors announced the largest investment in its history last Tuesday, Jan. 25, 2021 — unveiling plans to spend over \$7 billion and create 4,000 new jobs in Michigan by investing in electric vehicle and battery plants in Delta and Orion Townships.

General Motors Chair and CEO Mary Barra announced the investment alongside Gov. Gretchen Whitmer and leaders from the Michigan House and Senate at a press conference in Lansing. The investment follows the Legislature quickly passing a bipartisan economic incentives package that was signed into law by Governor Whitmer in late December.

On the morning of the announcement, the Michigan Strategic Fund board approved the \$600 million Critical Industry Program Grant request, \$66.1 million Strategic Site Readiness Program Grant request, and request for a Renewable Energy Renaissance Zone for 18 years.

In Lansing, city officials have already approved tax incentives for the \$2.5 billion battery cell manufacturing site with GM and battery partner LG Energy Solution near the current GM Delta Township Plant.

At its Orion Assembly plant in Lake Orion, GM is expected to make improvements over the next 3-5 years including 3 million square feet to build electric vehicles, with the total investment expected to total \$4 billion and create up to 2,300 jobs.

"This is about being made in Michigan, this is about the epicenter of electric vehicles and coming together and putting Michigan first. Today's announcement is proof of what's possible when we work together. As governor of the state of Michigan, I will, and I know our Legislature will work with anyone who wants to put Michiganders first," Whitmer said at the event.

It's estimated that the investment will generate over \$28.8 billion in personal income in the next 20 years from “direct, indirect and induced jobs.”

WHITMER FILLS COURT OF APPEALS VACANCIES

Governor Gretchen Whitmer appointed three new judges to fill three of the four vacancies on the Michigan Court of Appeals on Thursday. The replacements are:

- 36th District Judge Kristina Robinson Garrett, from Detroit, will replace retiring Judge Cynthia Stephens from the First District, whose retirement becomes official March 31. Garrett, a former general counsel for the Wayne County Sheriff's Office currently serves

on the Michigan Indigent Defense Commission. Because Judge Stephens' term expires at the end of 2022, it will be necessary for Garrett to run for election in November.

- Wayne Circuit Judge Noah Hood, also from Detroit, will succeed the late First District Judge Karen Fort Hood, who died in 2021. Noah Hood is a former assistant U.S. attorney and previously an attorney at the Miller, Canfield, Paddock & Strone firm. He will also need to run for reelection in November to serve the remainder of Karen Hood's term which expires Jan. 1, 2027.
- Sima Patel, a senior appellate attorney at the Fieger Law firm has been appointed to replace the late Judge Jonathan Tukul from the 2nd District. Judge Tukul died in 2021. Patel, a former Michigan Supreme Court clerk, and Royal Oak resident will also need to run for reelection this November.

Following these appointments, Whitmer has one vacancy to fill, left by Judge Jane Beckering, who resigned after she was confirmed to be the United States District Judge for the Western District of Michigan.

MM&A BRIEFS

HARKINS TO PRESENT BUDGET ON FEB. 9

Michigan's Budget Director Chris Harkins is scheduled to present the executive budget proposal to a joint hearing of the House Appropriations Committee and the Senate Appropriations Committee on Feb. 9, 2022, at 11 a.m. in the House Appropriations room.

STATE'S LONGEST SERVING AUDITOR GENERAL, THOMAS MCTAVISH, DIES AT 79

Michigan's former Auditor General Thomas McTavish passed away on Jan. 29 at the age of 79. McTavish, a Pennsylvania native, served as Michigan's Auditor General from October 1989 through June 2014.

His office produced such consequential reports as finding insufficient criminal background checks over child care providers in the 2000s; recognizing escalating costs on prescriptions at the Department of Corrections in the late 2000s; reporting on improper expenditures the state's Medicaid Home Help Program; identifying significant problems at the Grand Rapids Home for Veterans in the early 2010s and Finding that the Department of State, in the late 2000s and early 2010s, spent nearly \$50 million on a new technology system that failed and was later abandoned.

LOBBYIST KEN COLE DIES AT 55

Well-known lobbyist and former journalist Ken Cole died at the age of 55, according to a press release from Governmental Consultant Services, Inc. on Jan. 23.

Cole was known for many things including serving as a longtime lobbyist for the City of Detroit and bringing diversity to a mostly white field of lobbyists in Lansing.

Before joining GCSI where he was a Senior Vice President, Cole worked as a journalist, spending seven years with the Detroit News' Lansing and Washington bureaus. He was an alum of the University of Missouri's Columbia School of Journalism, previously served as an adjunct journalism professor at Michigan State University.

Many commented on his professionalism, work ethic, and charisma. He is survived by his wife Debi and his daughter Payton.

CALENDAR OF IMPORTANT EVENTS

Feb. 8 Rep. Sara Cambensy's (D) Evening Reception

Location: 5 p.m., Michigan Beer and Wine Wholesalers Association, 332 Townsend St. Lansing

Feb. 9 Sen. Jon Bumstead (R) Evening Reception

Location: 4:30 p.m., Michigan Distillery, 523 East Shiawassee St., Lansing

Rep. Mary Whiteford (R) Evening Cocktail Hour

Location: 5:30 p.m. Michigan Beer and Wine Wholesalers Association, 332 Townsend St., Lansing

Feb. 15 Rep. Thomas Albert (R) Breakfast Reception

Location: 8 a.m., Michigan Beer and Wine Wholesalers Association, 332 Townsend St., Lansing

Rep. Ken Borton (R) Pizza Party Lunch Reception

Location: 12 p.m., Governors Room, Karoub Associates, 121 West Allegan St., Lansing

Rep. Matt Hall (R) Evening Reception

Location: 5:30 p.m., Michigan Beer and Wine Wholesalers Association, 332 Townsend St., Lansing

Rep. Graham Filler (R) President's Day Breakfast Reception

Location: 7:30 a.m., Michigan Beer and Wine Wholesalers Association, 332 Townsend St., Lansing

Michigan Senate Republicans Breakfast Reception

Location: 8 a.m., Governors Room, Karoub Associates, 121 West Allegan St., Lansing

Rep. Pamela Hornberger (R) Valentine's Luncheon

Location: 11:30 a.m., Governors Room, Karoub Associates, 121 West Allegan St., Lansing

Feb. 15 Rep. Laurie Pohutsky (D) - Valentines Luncheon

Location: 11:30 a.m., Michigan Beer and Wine Wholesalers Association, 332
Townsend St., Lansing

Rep. Kevin Coleman (D) 2022 Lansing Kickoff

Location: 4:30 p.m., Michigan Beer and Wine Wholesalers Association, 332 Townsend
St., Lansing