

**STATE OF MICHIGAN
IN THE SUPREME COURT**

LEAGUE OF WOMEN VOTERS OF
MICHIGAN, AMERICAN CITIZENS FOR
JUSTICE, APIA VOTE – MICHIGAN,
DETROIT ACTION, LGBT DETROIT,
NORTH FLINT NEIGHBORHOOD ACTION
COUNCIL, RISING VOICES, KENT BLOHM,
CATHY BROCKINGTON, DENISE
HARTSOUGH, DONNA HORNBERGER,
GILDA JACOBS, JUDY KARANDJEFF,
MARGARET LEARY, ATHENA MCKAY,
CHRISTINE PAWLAK, KATHERINE
PRIMEAU, RONALD PRIMEAU, SUSAN
ROBERTSON, and SUE SMITH,

MSC No. 164022

Plaintiffs,

v.

INDEPENDENT CITIZENS
REDISTRICTING COMMISSION,

Defendant.

BRIEF OF AMICUS CURIAE

Submitted by: Emerging American Majorities

February 25, 2022

INTRODUCTION

There is no serious dispute that the Hickory Plan provides the Republican Party with a partisan advantage. The question presented in this case is whether that partisan advantage is “disproportionate” and therefore transgresses the Michigan Constitution. The answer is undoubtedly yes. The Hickory Plan guarantees a Republican majority in the State House for the next ten years in any reasonably competitive electoral cycle, even where Democrats win a majority of the statewide vote. It is that baked-in disadvantage with respect to legislative control—that Republicans can consistently maintain control of the State House with a minority of votes, and Democrats cannot regain control of the State House except in “wave” elections—that is disproportionate and violates Michigan’s Constitution.

In most instances, the Hickory Plan ensures that Democrats will be doomed to minority status. And in a democratic system where the party in the majority calls the shots, little else matters. Widely accepted partisan bias metrics, like declination and partisan symmetry, confirm the Hickory Plan’s unmistakable bias toward Republicans and its stubborn resistance to Democrats translating a majority of the votes into a majority of the seats. In light of the overwhelming evidence that the Hickory Plan will not allow Democrats to obtain a legislating majority except in years where they have their most stellar performances, the Hickory Plan gives Republicans a disproportionate advantage in violation of the Michigan Constitution.

The stakes of this case are not theoretical. This is about whether the government of Michigan reflects the will of the voters of Michigan—or whether, for another decade, the party that wins the majority of the votes loses the majority of the seats. The two political parties offer radically different views on a host of issues that govern the day-to-day lives of Michiganders—from water infrastructure to tax policy to whether the state’s electors should be awarded to the

presidential candidate who received the most votes.¹ The Commission’s adoption of a plan that allows the Republican Party to durably maintain its State House majority without winning majority popular support denies the people of Michigan a free and fair opportunity to choose between those competing visions. If the Michigan Constitution’s protection against “disproportionate advantage” has any force at all, it cannot allow for one party to consistently win a majority of seats while losing a majority of votes.

STATEMENT OF THE FACTS

In November 2018, Michiganders voted overwhelmingly in favor of Proposal 2, which vested the power to draw redistricting maps in the Michigan Independent Citizens Redistricting Commission (the “Commission”). Now codified as Article IV, § 6 of the Michigan Constitution, this constitutional amendment requires the Commission to enact districts that comply with certain redistricting criteria. Specifically, Article IV, § 6(13) of the Michigan Constitution states:

The commission shall abide by the following criteria in proposing and adopting each plan, in order of priority:

- (a) Districts shall be of equal population as mandated by the United States constitution, and shall comply with the voting rights act and other federal laws.
- (b) Districts shall be geographically contiguous. Island areas are considered to be contiguous by land to the county of which they are a part.
- (c) Districts shall reflect the state’s diverse population and communities of interest. Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests. Communities of interest do not include relationships with political parties, incumbents, or political candidates.
- (d) Districts shall not provide a disproportionate advantage to any political party. A disproportionate advantage to a political party shall be determined using accepted measures of partisan fairness.
- (e) Districts shall not favor or disfavor an incumbent elected official or a candidate.
- (f) Districts shall reflect consideration of county, city, and township boundaries.

¹ Peter Stone, *Alarm as Trump backs ‘big lie’ candidates for key election posts in Michigan*, The Guardian (February 14, 2022) <https://www.theguardian.com/us-news/2022/feb/14/election-deniers-michigan-elections-donald-trump>.

(g) Districts shall be reasonably compact.

Mich Const art IV, § 6(13). By its plain language, the Michigan Constitution forbids the Commission from adopting a plan that “provide[s] a disproportionate advantage to any political party.” *Id.* § 6(13)(d).

The Constitution confers upon the Michigan Supreme Court “original jurisdiction” to “review a challenge to any plan adopted by the commission.” *Id.* § 6(19).

On November 12, 2021, the Commission publicly released the Hickory Plan and supporting data. On December 28, 2021, after months of deliberation and 45 days of public comment pursuant to Article IV, § 6(14)(b)— including a great deal of comment on the necessity of improving upon the State House map’s compliance with the partisan fairness requirement—the Commission declined to make adjustments, instead voting to approve the Hickory Plan as drawn.²

ARGUMENT

I. **The Hickory Plan provides a disproportionate advantage to the Republican Party.**

The Michigan Constitution requires that a state legislative plan approved by the Commission “shall not provide a disproportionate advantage to any political party. A disproportionate advantage to a political party shall be determined using accepted measures of partisan fairness.” Mich Const art IV, § 6(13)(d).

The Commission correctly identifies the operative term within this provision as “disproportionate.” *See* Michigan Independent Citizens Redistricting Commission (“ICRC”) Br. at 15. In interpreting undefined constitutional terms, this Court resorts to textual sources for help, including dictionaries. *See, e.g., People v Wood*, 506 Mich 114, 122; 954 NW2d 494, 499 (2020)

² “Final Maps,” MICRC, https://www.michigan.gov/micrc/0,10083,7-418-107190_108607---.00.html (last visited February 23, 2022).

(“We start [interpreting the statute], therefore, by consulting dictionary definitions.”). Black’s Law Dictionary defines “disproportionate” as “[h]aving too much or too little in relation to something else; not suitable in comparison with something else in size, amount, importance, etc.” *Disproportionate*, Black’s Law Dictionary (11th Ed 2019). Thus, it is impossible to determine whether an advantage is disproportionate in a vacuum; one can only know whether an advantage is disproportionate by understanding the *context* in which that advantage emerges.

And it is the specific context in which the Hickory Plan provides the Republican Party with an advantage that renders it disproportionate: the Democratic Party’s ability to win legislative control of the State House is plainly disproportionate to its popular support. In legislative chambers, majorities have outsized significance. In the Michigan State House, the political party with the majority gets to elect the leadership, select committee chairs, and effectively control the legislative agenda. In evaluating whether a State House plan awards one party a disproportionate advantage, the analysis should center on whether each party has an equal opportunity to translate popular support into legislative majorities. A plan that durably prevents the state’s majority party (based on statewide vote totals) from winning legislative majorities, except in wave elections, provides a disproportionate advantage to the state’s minority party. That is what the Hickory Plan does.

A. Partisan gerrymandering claims against state legislative maps hinge on the ability of each party to attain majority status.

When evaluating partisan gerrymandering claims against state legislative maps, like the claim Plaintiffs bring here, state courts across the country examine the extent to which the map makes it harder for one political party to secure a legislative majority. For example, in the Ohio Supreme Court’s recent opinion striking down the Ohio Redistricting Commission’s remedial General Assembly plan as a partisan gerrymander under that state’s constitution, the court noted

that the plan was likely to preserve the Republican party's supermajority in the Senate. *See League of Women Voters of Ohio v Ohio Redistricting Comm'n*, ___ NE3d __; 2022-Ohio-342; 2022 WL 354619, at *8 (Ohio February 7, 2022) (“The commission’s choice to avoid a more proportional plan [that provides Republicans with less than 20 Senate seats] for no explicable reason points unavoidably toward an intent to favor the Republican Party. In reaching this conclusion, we are not unmindful of the fact that 20 is the number of senators necessary to constitute a veto-proof supermajority in the Senate.”).

For this reason, courts have been quick to strike down as partisan gerrymanders plans that do not give the parties equal opportunity to achieve majorities or supermajorities. This is the case even in the absence of a “strict proportionality requirement.” *Harper v Hall*, ___ SE2d __; 2022-NCSC-17; 2022 WL 496215 at * 40 (NC February 14, 2022). As the North Carolina Supreme Court recognized in its recent opinion striking down that state’s General Assembly plan, “voters are entitled to have substantially the same opportunity to electing a supermajority or majority of representatives as the voters of the opposing party would be afforded if they comprised fifty-nine percent of the statewide vote share in that same election.” *Id.* Accordingly, “each voter’s vote [must] carr[y] roughly the same weight when drawing a redistricting plan that translates votes into seats in a legislative body.” *Id.*; *see also id.* (“[P]artisan advantage—that is, achieving a political party’s advantage across a map incommensurate with its level of statewide voter support—is neither a compelling nor a legitimate governmental interest, as it in no way serves the government’s interest in maintaining the democratic processes which function to channel the people’s will into a representative government.”). Because the ability to elect legislative majorities or supermajorities is the relevant standard, courts tend to focus their analysis on electoral environments where each party’s relative voting strength *should* give each an opportunity to win

such majorities or supermajorities. *See id.* at *47 (“Specifically, the court found that the Senate plan ‘is an outlier or extreme outlier in elections where Democrats win a vote share between 47.5% and 50.5%. This range is significant because many North Carolina elections have this vote fraction, and this is the range where the non-partisan ensemble shows that Republicans lose the supermajority.’”). By this standard, the Hickory Plan provides a disproportionate advantage to the Republican Party in State House elections.

B. Although the majority of Michigan voters prefer Democrats, Democrats only win a majority of House Seats in wave elections under the Hickory Plan.

An objective analysis of the Hickory Plan reveals the significant thumb on the scale it provides to the Republican Party’s ability to achieve majority party status in the State House.

One reliable way of assessing the likely partisan outcome of a redistricting plan is through partisan indices: precinct-level election results from statewide elections aggregated to the level of district lines. These indices demonstrate how a district would swing if the district’s election outcome were based solely on which statewide candidate received the most votes within that district. Table 1 below displays the results of each partisan index from all statewide elections from 2012 to 2020, along with the actual results from those elections.³

³ The Commission places a significant amount of weight on a composite index made up of the average total vote received by both parties in the State House and Senate in each election. Indices based on total votes received in State House and Senate contests, however, are not as informative. *See* Report of Dr. Jowei Chen, at ¶ 19, *Adams v DeWine*, 2022-Ohio-89; (No 2021-1428; 2022 WL 129092 (concluding statewide election results are more reliable indicator of the future partisanship of new congressional districts than prior results of congressional elections). These races are sometimes unopposed, and therefore do not closely correspond to the statewide preferences of voters. Consider, for example, a state where there are only two districts. In one district, there are two candidates—one from Party A and one from Party B—who compete and wind up with a razor thin electoral margin of .5%. In the other district, there is no opposition to the incumbent candidate, a member of Party A, and that candidate receives 100% of the vote. Averaging the two of these districts together the average statewide vote total for Party A is around 75%. In actuality, however, the statewide preferences are likely lower, since no votes for Party B

Table 1: Vote Share in Statewide Elections Under Hickory Plan (2012-2020)

Year	Race	Democratic Vote Share	Republican Vote Share	Democratic House Districts Won	Republican House Districts Won
2020	President	51.32	48.63	55	55
2020	US Senate	50.85	49.14	52	58
2018	US Senate	53.34	46.66	57	53
2018	Governor	54.9	45.08	62	48
2018	Attorney General	51.47	48.55	51	59
2018	Secretary of State	54.58	45.35	61	49
2016	President	49.91	50.14	45	65
2014	US Senate	56.99	43.07	68	42
2014	Governor	47.9	52.13	40	70
2014	Attorney General	45.89	54.11	36	74
2014	Secretary of State	44.49	55.51	32	78
2012	President	54.69	45.23	59	51
2012	US Senate	60.73	39.37	86	24

As Table 1 shows, under the Hickory Plan, Republicans consistently win *State House* majorities even where Democrats win *popular vote* majorities, except in wave elections. According to the Warshaw report, if one takes a composite index of all statewide elections from 2012 to 2020, Democrats receive 52% of the two-party vote in statewide elections. Report of

can register in the unopposed district. Statewide races, by contrast, have the benefit of staying uniform across districts and therefore introduce fewer variables to the district analyses and comparisons. *See Harper*, 2022 WL 496215 at *9, 45, 47 (citing testimony of Dr. Jonathan Mattingly in concluding that North Carolina State House Plan was a partisan gerrymander, where Dr. Mattingly analyzed North Carolina statewide elections to determine the likely partisan outcome of districts in the map); *Adams v DeWine*, 2022-Ohio-89 at ¶ 42-51, 2022 WL 129092, at *9-11 (Ohio 2022) (analyzing likely performance of congressional maps using statewide election results); *see also* Ohio Const art XI § 6(B) (requiring Ohio Redistricting Commission to attempt to draw maps in which “[t]he statewide proportion of districts whose voters, *based on statewide state and federal partisan general election results* during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio.”) (emphasis added).

Christopher Warshaw at 11 (January 28, 2022).⁴ During the same period, there have been four statewide elections in which the Democratic share of the two-party statewide vote fell between 49 percent and 52 percent. Under the Hickory Plan, *the Democratic candidate(s) would not have won a majority of legislative seats in any of these four elections*. As a result of this disparity, Democrats can only achieve majority status in the State House by surpassing 52% of the statewide vote. The goalpost for Republicans, however, is much closer; they need only win 48% of the votes statewide to secure majority control of the State House. It is precisely this sort of disparity in how parties can translate votes into majorities in a given election year that supported the North Carolina Supreme Court's conclusion that the state General Assembly had gerrymandered its congressional and state legislative maps. *See Harper*, 2022 WL 496215, at *50.

Three recent statewide elections demonstrate this phenomenon. In 2014, Republican Rick Snyder won a close—but decisive—victory over Democrat Mark Schauer, winning 52.1% of the two-way vote against Schauer's 47.9%. In that election, Snyder (with his 52.1% of the vote) would have won 70 of the 110 House districts (63.6%) in the Hickory Plan. In 2016, Republican Donald Trump and Secretary Hillary Clinton ran almost even, with President Trump besting Secretary Clinton by around a quarter of a percentage point in the two-way vote. Yet, under the Hickory Plan, Secretary Clinton's nearly two-point improvement on Congressman Schauer's performance translate to Democrats winning just 45 House seats and Republicans winning 65 House seats. Four years later, President Biden won 51.3% of the two-way vote against President Trump, but that *still* would not be enough to carry the majority of House districts under the Hickory Plan (which would have translated to Democrats winning 55 and Republicans winning 55). When Democrats narrowly

⁴ As Dr. Warshaw notes, Warshaw Rep at 4 n.4, the two-party vote share—which excludes votes for third-party candidates—is the standard convention used to measure partisan fairness in the redistricting context.

lose the statewide vote, Republicans win a majority in the State House; when Democrats narrowly win the statewide vote, Republicans almost always win a majority in the State House. “This ‘heads I win, tails you lose’ approach” to map-drawing is plainly disproportionate. *Fed Election Comm’n v Wis Right To Life, Inc*, 551 US 449, 471; 127 S Ct 2652, 2652; 168 L Ed 2d 329 (2007).

This barrier to a Democratic majority is durable. One indication of the durability of a partisan gerrymander is the number of elections under which the plan would (or in fact does) produce a favorable outcome for a given party. *Ohio A Philip Randolph Inst v Householder*, 373 F Supp 3d 978, 1092 (SD Ohio 2019) (“[O]ur analysis is based on results across several election cycles, which shows that the current map’s partisan effects are durable and largely impervious to fluctuations in voter preferences”), *vacated sub nom Chabot v Ohio A Philip Randolph Inst*, ___ US ___, 140 S Ct 102; 205 L Ed 2d 1 (2019). Sampling multiple elections helps courts understand how a map will perform in different electoral environments, particularly “wave” elections, in which one party receives more than a bare majority of votes. Under the Hickory Plan, Democrats would have secured legislative majorities only during “blue wave” elections—elections in which Democrats do *incredibly* well. For example, in 2012, when President Barack Obama beat Mitt Romney by nearly ten percentage points, or 2018 where Governor Gretchen Whitmer beat Bill Schuette by nearly ten percentage points, Democrats would have finally been able to achieve a majority under the Hickory Plan. But 2012 and 2018 are widely understood to be “wave” elections in Michigan, where Democrats did unusually well. See Domenico Montanaro, *It Was A Big, Blue Wave: Democrats Pick Up Most House Seats In A Generation*, NPR, (November 4, 2018), <https://www.npr.org/2018/11/14/667818539/it-was-a-big-blue-wave-democrats-pick-up-most-house-seats-in-a-generation> (noting the 2018 “blue wave” was so large that it resulted in “the most [U.S.] House seats gained by Democrats since the wave election following Watergate” in 1974);

Julie Mack, *Democrats gained ground in all 83 Michigan counties in 2018*, MLive (September 19, 2019), <https://www.mlive.com/news/erry-2018/11/c942c64b4f9714/democrats-gained-ground-in-all.html> (“How big was the blue wave in Michigan? Consider this: In all 83 Michigan counties, the share of Democratic votes increased compared to the 2016 presidential election.”); David Eggert, *Election results 2012: Obama wins Michigan over Romney, grabs 16 electoral votes*, MLive (November 7, 2012), https://www.mlive.com/politics/2012/11/election_results_2012_obama_wi.html (noting that “[t]he dynamics of the Michigan race were unique in 2012” in part because “Michigan issues were front and center in the national race. Auto bailout anyone?”). In years where the partisan environment is more competitive, Republicans come away with a stable majority in the State House under the Hickory Plan. Such an imbalance provides the Republican Party with a disproportionate advantage.

C. “Accepted measures of partisan fairness” confirm this disproportionate advantage.

The disproportionate advantage accorded to the Republican party under the Hickory Plan is confirmed by other widely “accepted measures of partisan fairness.” Mich Const art IV, § 6(13)(d). In support of their claims, Plaintiffs in this case have submitted a report by Dr. Christopher Warshaw, a political science professor at George Washington University whose expert testimony has been deemed credible and reliable in a number of state and federal partisan gerrymandering cases. Warshaw Rep at 2-3. In his report, Dr. Warshaw evaluates the Hickory Plan based on several widely-used and accepted metrics for partisan fairness and concludes that the plan has a “meaningful, disproportionate level of pro-Republican bias.” *Id.* at 4.

One of the metrics used by Dr. Warshaw in his report is symmetry bias. *Id.* at 8-9. Symmetry bias looks to a “votes-seats curve,” which uses partisan indices to plot the number of

seats a party is likely to receive (represented by the variable S) when they receive a given percentage of the statewide votes (represented by the variable V), and adjusts the index to determine how seat count is likely to change based on different statewide electoral outcomes. *Id.* at 8. In an unbiased system, each time one party receives a certain percentage of the statewide vote, V , it should receive the same corresponding number of the seats, S , as the other party would receive when it receives the same V percentage of the statewide vote. *Id.* Importantly, this does not mean that seats are always proportional (i.e., where V will always perfectly correspond to S). Rather, it simply means that the S corresponding to a given V is the same across both parties. So, if one party receives 57% of the votes in an election and 64% of the seats, a symmetrical system would mean that the other party receives 64% of the seats when it receives 57% of the votes. Symmetry bias, as calculated by Dr. Warshaw, takes a set point on the votes-seats curve where each party wins 50% of the votes and determines the number of seats each party receives. *Id.* In an unbiased system, these numbers should be the same. The percentage gap between the number of seats representing 50% of the seats and the number of seats a party is likely to actually receive is known as “symmetry bias.” The higher the symmetry bias of a plan, the less fair it is. Symmetry bias is particularly useful here, because it helps to measure whether a plan adheres to two central tenets of partisan fairness: first, the opportunity to achieve a majority of seats under a given map should be roughly the same across both parties; second, the “bonus” associated with a favorable electoral environment should be the same across the parties. *See Harper*, 2022 WL 496215, at *39-40.

When Dr. Warshaw ran this symmetry bias analysis for a composite of statewide elections from 2012-2020, he found that the Hickory Plan exhibited a symmetry bias of 7.4%. Warshaw Rep at 11-12. This means that “Republicans are likely to get about 57.4% when they win 50% of the votes.” *Id.* In simple English, the significance is this: for Republicans, getting half of the

statewide vote results in a holding a powerful majority in the State House. For Democrats, getting half of the statewide vote results in being relegated to a powerless minority in the State House.

Another metric used by Dr. Warshaw is the efficiency gap. *Id.* at 6-7. The efficiency gap is based on the number of “wasted votes” in a given plan, defined as “surplus votes”—votes received by a party’s winning candidates in excess of what was required to win—plus all of the votes received by the party’s losing candidates. *Id.* at 6. The efficiency gap takes each party’s wasted votes, divides it by the total number of votes cast statewide, and measures the difference in the quotient as between the two major parties. *Id.* at 7. The higher an efficiency gap, the more a map favors a given party. Using the same 10-year partisan index, Dr. Warshaw calculated an efficiency gap of 4.1% in favor of Republicans in the Hickory Plan. “This indicates that Democrats’ votes are 4.1 percentage points more likely to be wasted than Republicans’ votes.” *Id.* at 12.

Dr. Warshaw also considered the declination metric in evaluating the Hickory Plan. *Id.* at 10. Declination creates a chart plotting the partisan lean of each district, lining up districts from most to least Democratic, with the X axis representing districts that are equally split between the two parties (i.e., where vote share for both parties is at 50%). In a plan with no partisan bias “the angles of the lines between the mean across all districts and the point on the 50% line between the mass of points representing each party will be roughly equal” as between the two parties. *Id.* Where a redistricting plan strongly disfavors a party, that party will have a steep angle between its seats and the X axis. *Id.* This is because biased redistricting plans tend to pack unfavored partisans within a few very safe districts while efficiently distributing a favored party’s support across several, slightly more competitive districts. The Hickory Plan exhibits a pro-Republican declination of 31.1%. *Id.* at 12.

The pro-Republican bias of the Hickory Plan is even more striking when viewed in reference to historical plans. Dr. Warshaw compared the Hickory Plan's performance on the above metrics to State House plans around the country over the last 50 years. Among this group, the Hickory Plan exhibited a greater pro-Republican symmetry bias than 84% of the plans. The efficiency gap of the Hickory Plan evinces a stronger Pro-Republican bias than 76% of the historical plans considered by Dr. Warshaw. It also shows a larger pro-Republican declination than 80% of historical plans. These metrics confirm what the election data discussed earlier shows: the Hickory Plan systemically and effectively blocks Democrats from obtaining a majority in the State House, except in wave elections. The Hickory Plan provides a disproportionate advantage to the Republican Party.

II. The Court should decline the Commission's invitation to decide issues not presently before it.

In its brief, the Commission seeks to cast the debate about the proper interpretation of 13(d) as centering around whether the Constitution requires plans to have a zero percent efficiency gap. ICRC Br at 15-24. But that is not the real issue in this case. Instead, as described above, the Court can apply a straightforward and administrable standard: Section 6(13)(d)'s ban on "disproportionate advantage" simply requires that one party cannot consistently win the majority of votes yet lose the majority of seats. As shown above, there are a number of methods by which this Court can determine whether this standard is met, including a review of seat share based on indices from past elections and partisan fairness metrics like symmetry bias, efficiency gap, and declination.

This Court also need not entertain debates regarding the Commission's process for evaluating partisan fairness or impugn the work of the Commission more generally. The Michigan

Constitution clearly lays out an effects-based standard for measuring partisan fairness. Whether or not the Commission made significant efforts to achieve partisan fairness, the final result simply missed the mark. Unless this Court acts, Michiganders—including the 2.5 million who voted for fair redistricting maps after enduring a decade of extreme partisan gerrymandering—will have to live for another decade under a state government that does not accurately reflect the will of the voters.⁵

Finally, if this Court finds the Hickory Plan unconstitutional, it is not limited to a single remedial plan to replace it. Rather, either this Court or the Commission can determine how best to comply with constitutional standards. The parties and amici have proposed a variety of metrics to guide the Commission in meeting this standard, and Plaintiffs have even proposed an alternative map that is compliant with this standard. But this Court’s job is simple: 1) enjoin the Hickory Plan for failing to meet the “disproportionate advantage” criterion; and 2) order the adoption of a new map in which the party that wins the majority of votes generally wins the majority of seats. The people of Michigan, who voted for and are entitled to fair maps, deserve nothing less.

CONCLUSION

For the foregoing reasons, this Court should enjoin the Hickory Plan and order the adoption of a new State House plan that complies with the partisan fairness requirement of the Michigan Constitution.

Date: February 25, 2022

Respectfully submitted,

/s/ Sarah S. Prescott
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⁵ “2018 Michigan Election Results: State Proposal - 18-2: Constitutional Amendment: Voters Not Politicians,” Department of State (last updated November 26, 2018), https://mielections.us/election/results/2018GEN_CENR.html.

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