

**MICHIGAN
INDEPENDENT
CITIZENS
REDISTRICTING
COMMISSION**



COMMISSION REPORT ON 2024 REDISTRICTING

HOUSE AND SENATE REMEDIAL MAPS

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This report fulfills the MICRC's requirements enumerated as follows in the Michigan Constitution:

(16) For each adopted plan, the commission shall issue a report that explains the basis on which the commission made its decisions in achieving compliance with plan requirements and shall include the map and legal description required in part (9) of this section. A commissioner who votes against a redistricting plan may submit a dissenting report which shall be issued with the commission's report.

The seven ranked, constitutionally mandated criteria below were used to draw new district boundaries for the state's Congressional, State Senate, and State House districts:

(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 in 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.

(g) Districts shall be reasonably compact.



MICHIGAN HOUSE



On March 23, 2023, twelve Michigan voters filed suit, *Donald Agee, Jr., et al. vs. Jocelyn Benson, in her official capacity as the Secretary of State of Michigan, et al.*, in the U.S. District Court for the Western District of Michigan alleging that the Commission's State House and Senate maps violated Section 2 of the Voting Rights Act and were an unconstitutional racial gerrymander under the U.S. Constitution's Fourteenth Amendment Equal Protection Clause. Although the Court dismissed claims related to some Districts, challenges against 13 Districts went to trial. These included House Districts 1, 7, 8, 10, 11, 12, and 14 as well as Senate Districts 1, 3, 6, 8, 10, and 11. All these Districts were in Macomb, Oakland, and/or Wayne counties.

After the trial, on December 21, 2023, the Court ruled that the Commission violated the Constitution's Equal Protection Clause by drawing the seven State House Districts and six State Senate Districts predominantly based on race. The Court ordered the Commission to redraw State House Districts 1, 7, 8, 10, 11, 12, and 14 and submit a State House Remedial Plan by Friday, March 1, 2024.

The Court required the Commission to submit to the Court and publish for public comment draft proposed remedial plans for the State House Districts by Friday, Feb. 2, 2024. The Commission began redrawing the State House Districts on Tuesday, Jan. 16, 2024. As directed by the Court, the Commission did not consider race when drafting the remedial plans. In addition to following the seven-ranked criteria in the Michigan Constitution, the Commission considered public comments. The Commission held 14 meetings, seven of which were in person in the City of Detroit, to develop draft proposed remedial plans. All meetings were live-streamed on YouTube.

On Friday, Feb. 2, 2024, the Commission submitted the following draft proposed remedial plans to the Court and published the plans for public comment: Bergamot, Bergamot 2 (Lakeshore), Tulip, Water Lily, Spirit of Detroit, Daisy 2, The Riverwalk, Motown Sound, and Willow. In addition, Commissioner Rebecca Szetela submitted an individual plan, Szetela Version 4.

The Commission solicited public feedback on the draft proposed plans to hear from citizens, including in-person hearings at Greater Grace Temple and Second Ebenezer in the City of Detroit. The Commission made minor revisions to the Motown Sound plan in response to public comments and voted to submit Motown Sound FC E1 to the Court as the Commission's proposed State House Remedial Plan. The Plaintiffs in the Agee case filed objections to the proposed plan.

On March 27, 2024, the Court overruled the Plaintiffs' objections, approved Motown Sound FC E1 as the State House Remedial Plan and ordered the Secretary of State to implement the State House Remedial Plan for the 2024 elections.

Michigan's Constitution identifies the qualifications to serve as a commissioner, which each commissioner met without objection. It also allows any "commissioner who votes against a redistricting plan [to] submit a dissenting report which shall be issued with the commission's report." Although the Commission respects the right of any dissenter to share their opinion, it does not mean the Commission agrees, in part or in whole, with any dissenting report. In fact, the Commission vehemently disagrees with the unfounded and misleading assertions and allegations levied against Commissioners, staff, and contractors in the sole dissenting report. Considering the Court's approval of Motown Sound FC E1, the Commission complied with the Equal Protection Clause in submitting its remedial plan.

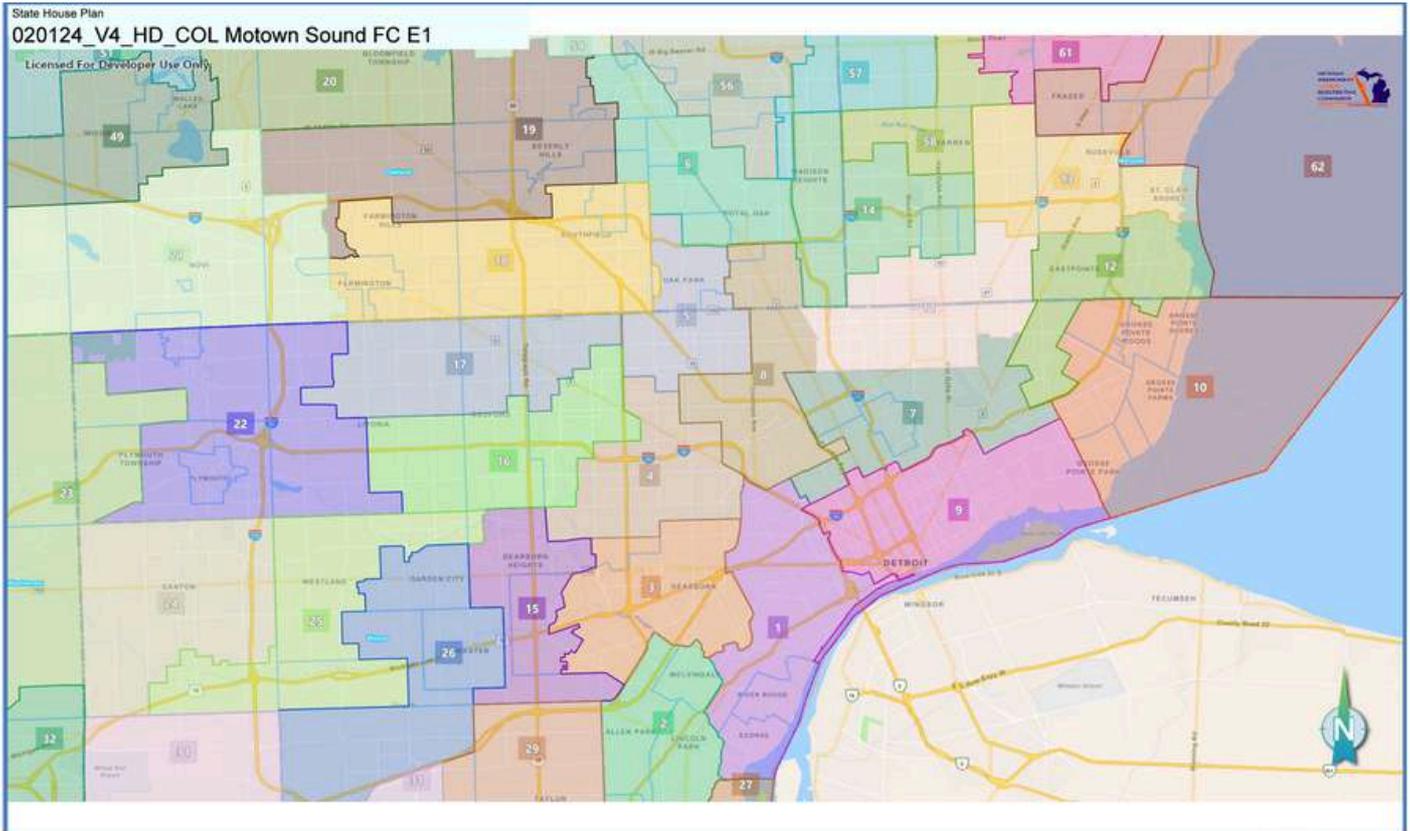
Michigan House Districts

The Michigan Independent Citizen's Redistricting Commission approved the following map and district boundaries as the State Remedial plan.



[Legal Description & Interactive Map](#)

MOTOWN SOUND FC E1



Motown Sound FC E1 MAP - Based on: 2020 Census Geography, 2020 PL94-171
Map Date: 2/27/2024 2:11:19 PM Last Edit: 2/27/2024 1:30:44 PM

Population

“(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.” The Michigan Independent Citizens Redistricting Commission sought and relied on legal counsel and expert advice in order to draw plans that complied with the requirements of the United States constitution, the Voting Rights Act and other federal laws. Material reflecting that counsel and advice is accessible on the Commission’s website.



[Meeting Notices & Materials](#)

[Mapping Data](#)



DISTRICT	Total Population				Racial Demographics as Percent of Total Population					Voting Age Population		Racial Demographics as Percent of Voting Population				
	All Persons	Target	Dev.	Difference	NH White	NH Black	NH Asian	Hispanic	Minority	VAP	% of Total	NH White	NH Black	NH Asian	Hispanic	Minority
1	90,509	91,612	-1.20%	-1,103	17.88%	31.86%	0.38%	45.98%	82.12%	63,938	70.6%	19.88%	34.46%	0.46%	41.70%	80.12%
2	93,168	91,612	1.70%	1,556	66.53%	7.96%	1.23%	18.72%	33.47%	71,913	77.2%	70.27%	7.81%	1.31%	15.89%	29.73%
3	92,503	91,612	0.97%	891	79.18%	8.72%	2.50%	4.88%	20.82%	64,206	69.4%	79.09%	8.96%	3.01%	4.71%	20.91%
4	92,435	91,612	0.90%	823	4.30%	89.38%	0.14%	2.46%	95.70%	67,194	72.7%	4.69%	89.64%	0.14%	2.12%	95.31%
5	90,105	91,612	-1.65%	-1,507	13.02%	81.08%	0.58%	1.50%	86.98%	69,643	77.3%	13.88%	80.67%	0.62%	1.33%	86.12%
6	91,847	91,612	0.26%	235	83.88%	5.21%	3.00%	3.33%	16.12%	75,083	81.7%	85.40%	5.14%	3.14%	2.88%	14.60%
7	91,202	91,612	-0.45%	-410	25.26%	53.55%	14.89%	1.46%	74.74%	65,916	72.3%	23.85%	56.23%	14.38%	1.29%	76.15%
8	91,113	91,612	-0.54%	-499	24.03%	68.64%	0.74%	2.20%	75.97%	72,043	79.1%	27.01%	66.25%	0.86%	2.03%	72.99%
9	91,712	91,612	0.11%	100	20.69%	69.31%	3.12%	2.75%	79.31%	77,775	84.8%	23.29%	66.78%	3.56%	2.58%	76.71%
10	93,243	91,612	1.78%	1,631	47.42%	45.31%	1.26%	2.28%	52.58%	70,397	75.5%	51.25%	42.46%	1.43%	1.88%	48.75%
11	92,381	91,612	0.84%	769	22.27%	66.98%	3.42%	2.28%	77.73%	67,929	73.5%	25.50%	65.04%	3.22%	1.95%	74.50%
12	89,618	91,612	-2.18%	-1,994	43.74%	48.47%	1.00%	2.32%	56.26%	68,914	76.9%	48.87%	44.49%	1.04%	1.95%	51.13%
13	92,063	91,612	0.49%	451	73.43%	15.27%	3.07%	2.60%	26.57%	73,820	80.2%	78.87%	13.87%	2.87%	2.12%	23.13%
14	91,347	91,612	-0.29%	-265	67.05%	13.40%	10.72%	3.09%	32.95%	74,488	81.5%	70.26%	12.58%	9.82%	2.74%	29.74%
15	92,301	91,612	0.75%	689	80.88%	7.49%	1.72%	5.23%	19.12%	69,652	75.5%	82.15%	7.18%	1.87%	4.70%	17.85%
16	91,767	91,612	0.17%	155	35.38%	56.26%	0.95%	2.91%	64.62%	71,299	77.7%	38.45%	54.43%	1.03%	2.45%	61.55%
17	90,737	91,612	-0.96%	-875	45.56%	44.57%	1.80%	3.10%	54.44%	71,354	78.6%	48.90%	42.43%	1.94%	2.64%	51.10%
18	92,169	91,612	0.61%	557	36.50%	52.03%	4.21%	2.71%	63.50%	75,714	82.1%	37.44%	52.16%	4.12%	2.40%	62.56%
19	90,931	91,612	-0.74%	-681	60.63%	24.62%	7.86%	2.80%	39.37%	72,930	80.2%	61.39%	25.11%	8.00%	2.34%	38.61%
20	93,017	91,612	1.53%	1,405	75.60%	10.28%	7.26%	2.68%	24.40%	74,684	80.3%	76.81%	10.20%	7.42%	2.25%	23.19%
21	93,876	91,612	2.47%	2,264	57.07%	7.60%	27.76%	3.48%	42.93%	71,599	76.3%	59.96%	7.89%	26.00%	3.07%	40.04%
22	91,654	91,612	0.05%	42	85.05%	2.23%	5.67%	3.19%	14.95%	75,487	82.4%	86.64%	2.24%	5.33%	2.74%	13.36%
23	90,719	91,612	-0.97%	-893	70.61%	4.68%	14.87%	4.41%	29.39%	71,655	84.1%	71.65%	4.78%	14.75%	4.14%	28.35%
24	91,480	91,612	-0.14%	-132	61.18%	10.03%	20.19%	3.69%	38.82%	69,996	76.5%	63.53%	9.84%	19.60%	3.29%	36.47%
25	90,562	91,612	-1.15%	-1,050	64.13%	20.53%	4.87%	4.47%	35.87%	73,216	80.8%	66.72%	19.62%	4.96%	3.82%	33.28%
26	91,723	91,612	0.12%	111	50.52%	37.86%	1.05%	4.20%	49.48%	70,678	77.1%	54.11%	35.82%	1.14%	3.61%	45.89%
27	90,457	91,612	-1.24%	-1,155	84.33%	3.05%	1.18%	6.36%	15.67%	73,737	81.5%	86.29%	2.93%	1.21%	5.34%	13.71%
28	91,598	91,612	-0.02%	-14	74.98%	9.75%	3.36%	6.24%	25.02%	71,385	77.9%	77.44%	9.14%	3.23%	5.36%	22.56%
29	92,583	91,612	1.00%	971	72.48%	13.37%	1.38%	6.68%	27.52%	72,381	78.2%	76.05%	11.83%	1.40%	5.62%	23.95%
30	93,460	91,612	2.02%	1,848	87.42%	2.57%	0.64%	4.06%	12.58%	73,606	78.8%	89.60%	2.30%	0.67%	3.21%	10.40%
31	92,978	91,612	1.49%	1,366	72.74%	16.00%	1.27%	4.03%	27.26%	73,558	79.1%	74.55%	15.72%	1.28%	3.54%	25.45%
32	92,092	91,612	0.52%	480	53.20%	28.29%	3.69%	7.17%	46.80%	73,449	79.8%	57.13%	26.46%	3.89%	6.21%	42.87%
33	92,730	91,612	1.27%	1,118	68.50%	7.94%	11.52%	5.90%	31.50%	74,822	80.7%	70.65%	7.76%	11.65%	5.23%	29.35%
34	92,371	91,612	0.83%	759	83.11%	2.61%	0.48%	8.88%	16.89%	73,142	79.2%	85.26%	2.88%	0.49%	7.27%	14.74%
35	93,023	91,612	1.54%	1,411	89.55%	1.44%	0.48%	4.20%	10.45%	71,335	76.7%	90.73%	1.66%	0.49%	3.29%	9.27%
36	89,634	91,612	-2.10%	-1,978	84.12%	2.73%	0.69%	7.00%	15.88%	68,621	76.6%	86.65%	2.74%	0.72%	5.44%	13.35%
37	91,456	91,612	-0.17%	-156	78.38%	6.26%	1.89%	6.54%	21.62%	71,787	78.5%	81.10%	6.19%	2.00%	5.18%	18.90%
38	93,422	91,612	1.98%	1,810	67.57%	19.03%	1.75%	6.63%	32.43%	73,770	79.0%	72.12%	16.97%	1.68%	5.18%	27.88%
39	90,270	91,612	-1.46%	-1,342	81.17%	1.69%	0.44%	10.74%	18.83%	69,482	77.0%	84.59%	1.69%	0.45%	8.20%	15.41%
40	90,211	91,612	-1.53%	-1,401	77.97%	7.16%	4.56%	4.57%	22.03%	69,763	77.3%	80.75%	6.74%	4.45%	3.86%	19.25%
41	91,872	91,612	0.28%	260	59.50%	21.99%	2.17%	8.66%	40.50%	72,876	79.3%	64.54%	19.61%	2.54%	7.40%	35.46%
42	91,192	91,612	-0.46%	-420	86.29%	3.44%	1.09%	3.41%	13.71%	70,454	77.3%	88.31%	3.13%	1.11%	2.69%	11.69%
43	92,518	91,612	0.99%	906	88.43%	0.80%	0.52%	5.52%	11.57%	70,016	75.7%	90.34%	0.65%	0.51%	4.58%	9.66%
44	89,974	91,612	-1.79%	-1,638	67.40%	15.11%	3.76%	6.67%	32.60%	68,782	76.4%	71.48%	14.34%	3.39%	5.53%	28.52%
45	90,612	91,612	-1.09%	-1,000	90.40%	1.29%	0.55%	3.08%	9.60%	71,054	78.4%	92.00%	1.14%	0.54%	2.48%	8.00%
46	91,041	91,612	-0.62%	-571	75.41%	12.23%	1.26%	4.62%	24.59%	71,551	78.6%	78.41%	12.17%	1.26%	3.54%	21.59%
47	91,302	91,612	-0.34%	-310	82.97%	3.10%	3.93%	4.17%	17.03%	73,378	80.4%	84.80%	3.07%	4.17%	3.43%	15.20%
48	92,373	91,612	0.83%	761	83.36%	1.79%	6.90%	3.00%	16.64%	74,656	80.8%	84.30%	1.79%	7.25%	2.50%	15.70%
49	93,247	91,612	1.78%	1,635	81.32%	5.78%	4.20%	4.03%	18.68%	74,267	79.6%	82.78%	5.82%	4.14%	3.38%	17.22%
50	93,139	91,612	1.67%	1,527	91.14%	0.44%	0.72%	3.01%	8.86%	72,160	77.5%	92.28%	0.44%	0.77%	2.54%	7.72%
51	91,507	91,612	-0.11%	-105	89.00%	1.30%	1.29%	3.41%	11.00%	72,488	79.2%	90.44%	1.25%	1.35%	2.70%	9.56%
52	91,098	91,612	-0.56%	-514	84.95%	2.75%	1.63%	5.77%	15.05%	72,818	79.9%	86.85%	2.66%	1.63%	4.81%	13.15%
53	93,056	91,612	1.58%	1,444	40.81%	33.94%	2.28%	17.60%	59.19%	71,476	76.8%	46.05%	32.59%	2.35%	14.72%	53.95%
54	92,949	91,612	1.46%	1,337	73.66%	6.77%	9.52%	5.16%	26.34%	73,853	79.5%	75.32%	6.95%	9.54%	4.33%	24.68%
55	91,805	91,612	-0.21%	-193	73.68%	3.41%	13.74%	4.69%	26.32%	71,848	78.3%	75.98%	3.51%	13.12%	3.98%	24.02%
56	90,410	91,612	-1.31%	-1,202	67.73%	3.39%	21.41%	3.38%	32.27%	71,737	79.3%	70.93%	3.44%	19.61%	2.94%	29.07%
57	89,693	91,612	-2.09%	-1,919	74.61%	5.19%	13.76%	2.60%	25.39%	71,864	80.1%	76.21%	4.89%	13.48%	2.27%	23.79%
58	90,454	91,612	-1.26%	-1,158	78.17%	8.23%	6.25%	2.72%	21.83%	73,423	81.2%	79.90%	7.86%	6.07%	2.41%	20.10%
59	89,336	91,612	-2.48%	-2,276	86.97%	2.68%	3.69%	2.91%	13.03%	70,271	78.7%	88.36%	2.58%	3.58%	2.50%	11.64%
60	92,742	91,612	1.23%	1,130	81.65%	7.23%	3.47%	3.23%	18.35%	72,453	78.1%	83.34%	7.08%	3.47%	2.69%	16.66%
61	93,156	91,612	1.69%	1,544	73.83%	15.25%	2.72%	3.08%	26.17%	75,006	80.5%	77.01%	13.83%	2.69%	2.52%	22.99%
62	90,539	91,612	-1.17%	-1,073	77.07%	13.35%	1.44%	2.83%	22.93%	74,114	81.9%	79.79%	12.07%	1.47%	2.35%	20.21%
63	90,638	91,612	-1.09%	-974	88.69%	3.12%	0.74%	2.65%	11.31%	72,589	80.1%	90.27%	2.86%	0.79%	2.13%	9.73%
64	91,060	91,612	-0.60%	-552	85.90%	3.78%	0.61%	4.08%	14.10%	71,638	78.7%	88.31%	3.56%	0.65%	3.30%	11.69%
65	92,892	91,612	1.40%	1,280	87.96%	2.29%	0.36%	5.03%	12.04%	73,184	78.8%	89.40%	2.39%	0.36%	4.12%	10.60%
66	93,014	91,612	1.53%	1,402	88.17%	1.18%	1.61%	4.41%	11.83%	71,767	77.2%	89.95%	1.10%	1.61%	3.59%	10.05%
67	92,816	91,612	1.31%	1,204	87.35%	3.28%	0.42%	3.56%	12.65%	73,721	79.4%	88.89%	3.28%	0.41%	2.70%	11.11%
68	93,065	91,612	1.59%	1,453	82.34%	6.24%	1.74%	4.12%	17.66%	73,273	78.7%	84.24%	6.00%	1.78%	3.37%	15.76%
69	91,698	91,612	0.09%	86	68.76%	21.07%	0.85%	3.62%	31.24%	71,476	77.9%	71.44%	19.84%	0.88%	3.15%	28.56%
70	90,738	91,612	-0.95%	-874	36.26%	51.87%	0.51%	4.87%	63.74%	68,117	75.1%	39.89%	50.13%	0.59%	4.37%	60.11%
71	91,966	91,612	0.39%	354	91.17%	0.69%	0.43%	3.06%	8.83%	72,963	79.3%	92.41%	0.64%	0.42%	2.51%	7.59%
72	92,844	91,612	1.34%	1,232	85.21%	4.89%	1.27%	3.55%	14.79%	72,890	78.5%	86.72%	4.79%	1.31%	2.88%	13.28%
73	91,543	91,612	-0.08%	-69	77.71%	5.83%	7.53%									

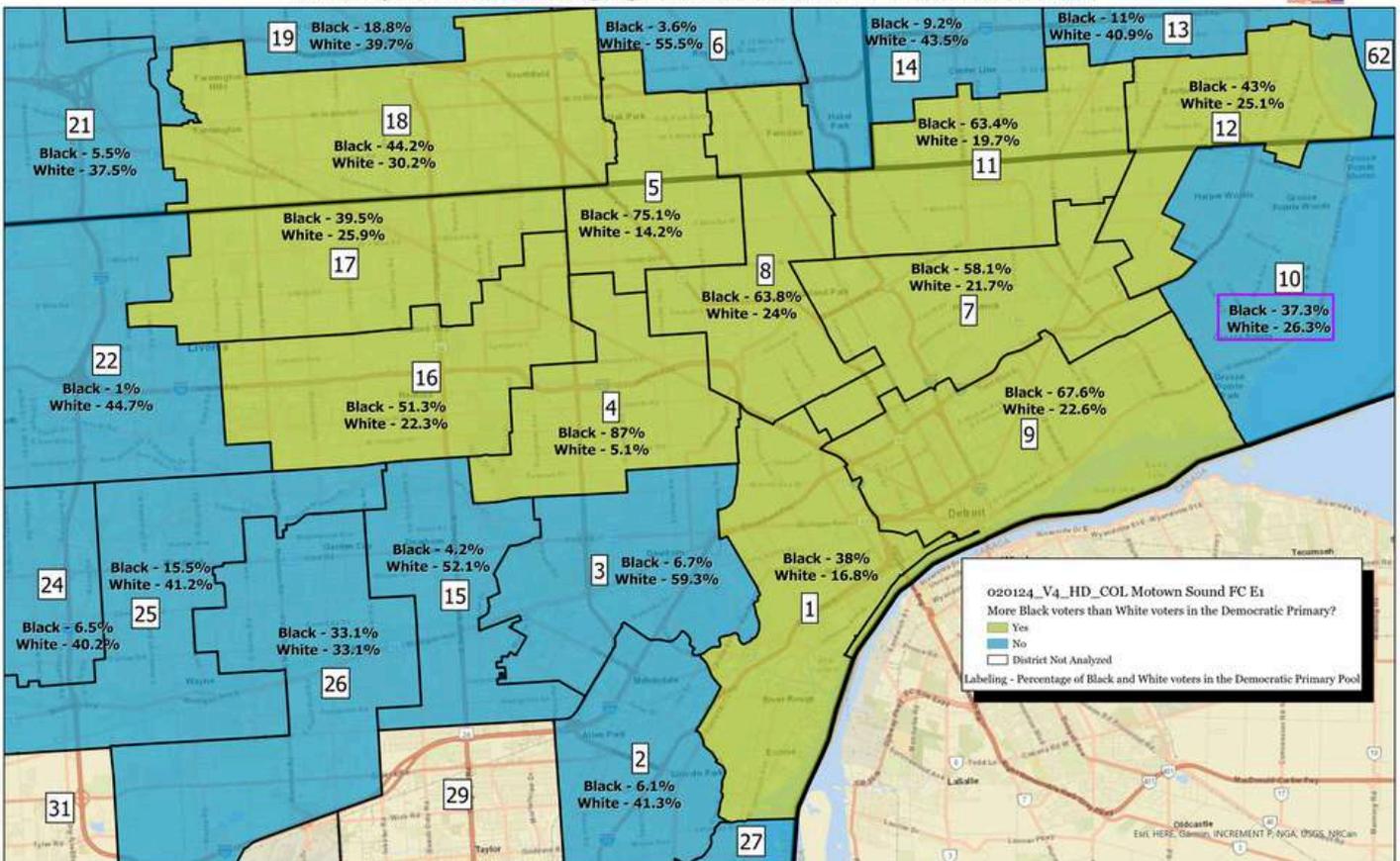
85	90,127	91,612	-1.82%	-1,485	87.14%	1.21%	2.12%	5.70%	12.86%	66,158	73.4%	89.34%	1.11%	2.16%	4.64%	10.66%
86	90,575	91,612	-1.13%	-1,037	66.02%	2.62%	5.08%	22.19%	33.98%	70,221	77.5%	70.69%	2.33%	5.13%	18.69%	29.31%
87	91,376	91,612	-0.26%	-236	61.91%	24.21%	0.50%	6.83%	38.09%	70,829	77.5%	65.83%	22.94%	0.53%	5.55%	34.17%
88	90,900	91,612	-0.78%	-712	87.81%	1.47%	1.42%	4.62%	12.19%	71,051	78.2%	89.90%	1.37%	1.37%	3.68%	10.10%
89	93,134	91,612	1.66%	1,522	86.99%	1.96%	0.82%	5.55%	13.01%	71,969	77.3%	88.55%	2.04%	0.89%	4.58%	11.45%
90	91,549	91,612	-0.07%	-63	87.20%	1.60%	0.91%	5.69%	12.80%	68,467	74.8%	89.55%	1.47%	0.89%	4.50%	10.45%
91	91,350	91,612	-0.29%	-262	90.75%	0.53%	0.38%	3.79%	9.25%	70,036	76.7%	92.31%	0.44%	0.38%	3.02%	7.69%
92	92,520	91,612	0.99%	908	81.45%	4.58%	1.37%	5.84%	18.55%	73,959	79.9%	82.92%	5.11%	1.41%	4.77%	17.08%
93	89,410	91,612	-2.40%	-2,202	86.47%	3.80%	1.18%	5.25%	13.53%	72,182	80.7%	87.40%	4.20%	1.17%	4.50%	12.60%
94	90,438	91,612	-1.28%	-1,174	46.40%	33.75%	1.24%	13.25%	53.60%	69,020	76.3%	51.34%	31.92%	1.29%	11.32%	48.66%
95	91,439	91,612	-0.19%	-173	88.86%	1.05%	1.89%	3.11%	11.14%	71,873	78.6%	90.46%	1.01%	1.85%	2.48%	9.54%
96	90,544	91,612	-1.17%	-1,068	86.81%	1.69%	0.55%	6.14%	13.19%	72,724	80.3%	89.24%	1.54%	0.58%	4.84%	10.76%
97	93,159	91,612	1.69%	1,547	88.85%	2.28%	0.49%	4.03%	11.15%	73,355	78.7%	90.17%	2.33%	0.49%	3.30%	9.83%
98	92,049	91,612	0.48%	437	92.62%	0.32%	0.29%	3.35%	7.38%	72,801	79.1%	93.77%	0.31%	0.29%	2.76%	6.23%
99	89,375	91,612	-2.44%	-2,237	92.86%	0.38%	0.35%	2.09%	7.14%	72,792	81.4%	93.81%	0.34%	0.36%	1.64%	6.19%
100	91,751	91,612	0.15%	139	91.21%	1.17%	0.45%	2.19%	8.79%	72,641	79.2%	92.09%	1.15%	0.50%	1.89%	7.91%
101	92,604	91,612	1.08%	992	87.51%	1.49%	0.45%	5.48%	12.49%	72,534	78.3%	88.89%	1.50%	0.45%	4.81%	11.11%
102	91,886	91,612	0.30%	274	85.43%	1.22%	0.40%	7.30%	14.57%	72,924	79.4%	87.83%	1.25%	0.40%	5.68%	12.17%
103	93,426	91,612	1.96%	1,814	89.71%	0.53%	0.79%	3.36%	10.29%	76,458	81.8%	91.48%	0.46%	0.73%	2.69%	8.52%
104	89,466	91,612	-2.34%	-2,146	91.28%	0.35%	0.44%	2.58%	8.72%	71,871	80.3%	92.68%	0.30%	0.46%	1.96%	7.32%
105	89,541	91,612	-2.38%	-2,071	92.67%	0.32%	0.32%	2.12%	7.33%	72,736	81.2%	93.86%	0.28%	0.33%	1.56%	6.14%
106	90,875	91,612	-0.80%	-737	92.66%	0.27%	0.31%	1.34%	7.34%	75,466	83.0%	93.74%	0.22%	0.32%	1.05%	6.26%
107	92,701	91,612	1.19%	1,089	83.30%	1.24%	0.52%	1.77%	16.70%	75,875	81.8%	85.31%	1.39%	0.48%	1.42%	14.69%
108	89,366	91,612	-2.45%	-2,246	85.05%	2.21%	0.34%	1.69%	14.95%	72,443	81.1%	87.00%	2.62%	0.36%	1.25%	13.00%
109	89,410	91,612	-2.40%	-2,202	87.41%	2.21%	0.51%	1.84%	12.59%	73,187	81.9%	88.58%	2.58%	0.53%	1.63%	11.42%
110	90,788	91,612	-0.90%	-824	91.64%	0.48%	1.19%	1.70%	8.36%	74,036	81.5%	92.71%	0.46%	1.25%	1.41%	7.29%

Assigned 10077331
Total Pop 10077331
Unassigned -2.0489E-08

VOTING RIGHTS ACT ANALYSIS



Metro Wayne State House Voting Rights Act Effectiveness Plan - Motown Sound 2 (E1)



Motown Sound FC E1

District	Population (2020 Census)					VAP (2020 Census)					AP NH Black %	
	Total	White	Black	Hispanic	Asian	Total	White	Black	Hispanic	Asian	Pop	VAP
4	92,435	4.3%	89.4%	2.5%	0.1%	67,194	4.7%	89.6%	2.1%	0.1%	91.9%	92.0%
5	90,105	13.0%	81.1%	1.5%	0.6%	69,643	13.9%	80.7%	1.3%	0.6%	83.5%	82.8%
9	91,712	20.7%	69.3%	2.7%	3.1%	77,775	23.3%	66.8%	2.6%	3.6%	71.7%	68.9%
8	91,113	24.0%	68.6%	2.2%	0.7%	72,043	27.0%	66.3%	2.0%	0.9%	71.1%	68.4%
11	92,381	22.3%	67.0%	2.3%	3.4%	67,929	25.5%	65.0%	1.9%	3.2%	69.9%	67.3%
7	91,202	25.3%	53.5%	1.5%	14.9%	65,916	23.9%	56.2%	1.3%	14.4%	55.4%	58.0%
16	91,767	35.4%	56.3%	2.9%	1.0%	71,299	38.5%	54.4%	2.5%	1.0%	58.5%	56.1%
12	89,618	43.7%	48.5%	2.3%	1.0%	68,914	48.9%	44.5%	2.0%	1.0%	50.5%	45.9%
17	90,737	45.6%	44.6%	3.1%	1.8%	71,354	48.9%	42.4%	2.6%	1.9%	46.8%	44.0%
10	93,243	47.4%	45.3%	2.3%	1.3%	70,397	51.3%	42.5%	1.9%	1.4%	47.1%	43.8%
26	91,723	50.5%	37.9%	4.2%	1.0%	70,678	54.1%	35.8%	3.6%	1.1%	40.8%	37.8%
1	90,509	17.9%	31.9%	46.0%	0.4%	63,938	19.9%	34.5%	41.7%	0.5%	33.9%	36.1%
25	90,562	64.1%	20.5%	4.5%	4.9%	73,216	66.7%	19.6%	3.8%	5.0%	22.7%	21.0%
24	91,480	61.2%	10.0%	3.7%	20.2%	69,996	63.5%	9.8%	3.3%	19.6%	11.3%	10.6%
3	92,503	79.2%	8.7%	4.9%	2.5%	64,206	79.1%	9.0%	4.7%	3.0%	9.4%	9.5%
2	93,168	66.5%	8.0%	18.7%	1.2%	71,913	70.3%	7.8%	15.9%	1.3%	9.5%	8.7%
15	92,301	80.9%	7.5%	5.2%	1.7%	69,652	82.2%	7.2%	4.7%	1.9%	8.6%	7.9%
27	90,457	84.3%	3.1%	6.4%	1.2%	73,737	86.3%	2.9%	5.3%	1.2%	4.0%	3.5%
22	91,654	85.0%	2.2%	3.2%	5.7%	75,487	86.6%	2.2%	2.7%	5.3%	2.8%	2.6%

Percent of Population in County			General Elections		Estimated Turnout in Primaries					
Wayne	Oakland	Macomb	Dem Comp.	Biden 2020	Black 2018	White 2018	Other 2018	Black 2022	White 2022	Other 2022
100.0%	0.0%	0.0%	97.1%	95.6%	94.3%	4.1%	1.6%	93.6%	4.1%	2.4%
66.6%	33.4%	0.0%	93.1%	91.3%	87.2%	11.2%	1.5%	84.6%	13.4%	2.0%
100.0%	0.0%	0.0%	95.7%	94.9%	75.3%	21.7%	3.0%	74.1%	21.5%	4.4%
76.1%	23.9%	0.0%	91.5%	90.9%	73.3%	24.6%	2.1%	68.7%	28.5%	2.8%
56.4%	0.0%	43.6%	87.5%	83.7%	76.3%	18.7%	5.0%	74.5%	19.4%	6.1%
100.0%	0.0%	0.0%	95.2%	93.5%	69.2%	24.2%	6.6%	66.9%	23.6%	9.5%
100.0%	0.0%	0.0%	77.2%	75.8%	61.8%	36.0%	2.2%	61.0%	35.8%	3.2%
30.5%	0.0%	69.5%	70.3%	68.8%	55.7%	40.1%	4.2%	53.1%	41.9%	5.0%
100.0%	0.0%	0.0%	69.1%	69.2%	49.9%	47.4%	2.8%	49.0%	47.0%	4.0%
100.0%	0.0%	0.0%	66.0%	69.2%	49.1%	48.9%	2.0%	48.5%	48.7%	2.9%
100.0%	0.0%	0.0%	70.8%	65.8%	43.1%	53.6%	3.3%	42.2%	53.0%	4.7%
100.0%	0.0%	0.0%	90.5%	86.8%	54.5%	25.9%	19.6%	49.8%	23.9%	26.3%
100.0%	0.0%	0.0%	62.6%	59.8%	25.0%	70.2%	4.7%	24.4%	68.9%	6.8%
100.0%	0.0%	0.0%	59.2%	62.0%	14.2%	75.4%	10.4%	13.4%	72.1%	14.5%
100.0%	0.0%	0.0%	75.4%	76.9%	11.6%	84.2%	4.2%	11.3%	82.7%	6.0%
100.0%	0.0%	0.0%	59.1%	55.0%	10.9%	80.8%	8.3%	10.4%	77.9%	11.7%
100.0%	0.0%	0.0%	61.7%	62.4%	9.2%	87.1%	3.7%	9.0%	85.7%	5.3%
100.0%	0.0%	0.0%	51.8%	47.9%	3.8%	92.4%	3.8%	3.7%	90.8%	5.4%
100.0%	0.0%	0.0%	49.5%	51.8%	2.9%	93.1%	3.9%	2.8%	91.5%	5.6%

Primary Turnout Black > White	Estimated Current Voters			Est. Pct. of Electorate by Race and Party				Dem. Primary Pool Black > White
	Black	White	Other	Black Dems	White Dems	Black Reps	White Reps	
Yes	89.6%	5.3%	5.2%	87.0%	5.1%	2.6%	0.2%	Yes
Yes	79.0%	16.5%	4.5%	75.1%	14.2%	4.0%	2.3%	Yes
Yes	70.6%	23.6%	5.7%	67.6%	22.6%	3.0%	1.0%	Yes
Yes	67.1%	28.5%	4.4%	63.8%	24.0%	3.4%	4.5%	Yes
Yes	66.7%	27.1%	6.1%	63.4%	19.7%	3.3%	7.5%	Yes
Yes	61.1%	22.8%	16.1%	58.1%	21.7%	2.9%	1.1%	Yes
Yes	54.0%	39.7%	6.3%	51.3%	22.3%	2.7%	17.3%	Yes
Yes	45.2%	50.3%	4.4%	43.0%	25.1%	2.3%	25.2%	Yes
Yes	41.6%	51.1%	7.3%	39.5%	25.9%	2.1%	25.2%	Yes
No	39.3%	55.6%	5.1%	37.3%	26.3%	2.0%	29.3%	Yes
No	34.9%	57.3%	7.8%	33.1%	33.1%	1.7%	24.2%	No
Yes	40.0%	19.1%	40.8%	38.0%	16.8%	2.0%	2.4%	Yes
No	16.3%	73.1%	10.5%	15.5%	41.2%	0.8%	31.9%	No
No	6.9%	71.0%	22.1%	6.5%	40.2%	0.3%	30.8%	No
No	7.0%	80.2%	12.8%	6.7%	59.3%	0.4%	20.9%	No
No	6.4%	72.9%	20.6%	6.1%	41.3%	0.3%	31.7%	No
No	4.4%	86.6%	9.0%	4.2%	52.1%	0.2%	34.5%	No
No	2.2%	89.7%	8.1%	2.1%	45.6%	0.1%	44.1%	No
No	1.1%	91.2%	7.7%	1.0%	44.7%	0.1%	46.5%	No

COMMUNITIES OF INTEREST

The Michigan Independent Citizens Redistricting Commission sought to understand Michigan's diverse population and communities of interest via public engagement and feedback opportunities. In total, MICRC received more than 29,000 comments. "(c) Districts shall reflect the state's diverse population and communities of interest."



[Comments on State House Remedial Map \(Motown Sound FC E1\)](#)

[Public Comment Portal Comments](#)

[Commission Meeting Comments](#)

PARTISAN FAIRNESS

(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. The Michigan Independent Citizen's Redistricting Commission evaluated partisan fairness using four mathematical models. The adopted map did not provide 'disproportionate advantage' to any political party under any of the models used to measure partisan fairness.



Lopsided Margins

Average Winning Margin	Dem	64.6%
	Rep	59.1%
Finding		
Rep	Districts have a lopsided margin advantage of 5.5%	

DISTRICT	Party		Total Votes	Percent Votes		Party Wins	
	Dem	Rep		Dem	Rep	Dem	Rep
1	106,899	11,177	118,076	90.5%	9.5%	90.5%	
2	118,979	82,467	201,446	59.1%	40.9%	59.1%	
3	98,490	32,078	130,568	75.4%	24.6%	75.4%	
4	177,404	5,219	182,623	97.1%	2.9%	97.1%	
5	215,788	15,951	231,739	93.1%	6.9%	93.1%	
6	196,359	112,110	308,469	63.7%	36.3%	63.7%	
7	141,388	7,147	148,535	95.2%	4.8%	95.2%	
8	205,089	19,145	224,234	91.5%	8.5%	91.5%	
9	173,837	7,730	181,567	95.7%	4.3%	95.7%	
10	174,100	89,628	263,728	66.0%	34.0%	66.0%	
11	149,767	21,334	171,101	87.5%	12.5%	87.5%	
12	156,849	66,379	223,228	70.3%	29.7%	70.3%	
13	128,544	103,686	232,230	55.4%	44.6%	55.4%	
14	129,036	81,438	210,474	61.3%	38.7%	61.3%	
15	123,513	76,787	200,300	61.7%	38.3%	61.7%	
16	185,491	54,808	240,299	77.2%	22.8%	77.2%	
17	154,399	68,969	223,368	69.1%	30.9%	69.1%	
18	224,964	56,686	281,650	79.9%	20.1%	79.9%	
19	193,602	104,066	297,668	65.0%	35.0%	65.0%	
20	165,048	128,959	294,007	56.1%	43.9%	56.1%	
21	124,548	108,585	233,133	53.4%	46.6%	53.4%	
22	149,570	152,751	302,321	49.5%	50.5%		50.5%
23	138,186	84,109	222,295	62.2%	37.8%	62.2%	
24	145,027	99,963	244,990	59.2%	40.8%	59.2%	
25	128,098	76,374	204,472	62.6%	37.4%	62.6%	
26	142,076	58,681	200,757	70.8%	29.2%	70.8%	
27	131,696	122,768	254,464	51.8%	48.2%	51.8%	
28	117,419	105,408	222,827	52.7%	47.3%	52.7%	
29	110,064	100,273	210,337	52.3%	47.7%	52.3%	
30	105,707	134,301	240,008	44.0%	56.0%		56.0%
31	129,175	108,952	238,127	54.2%	45.8%	54.2%	
32	167,723	48,576	216,299	77.5%	22.5%	77.5%	
33	199,387	74,686	274,073	72.7%	27.3%	72.7%	
34	99,122	128,310	227,432	43.6%	56.4%		56.4%
35	66,677	136,666	203,343	32.8%	67.2%		67.2%
36	71,220	121,944	193,164	36.9%	63.1%		63.1%
37	82,733	126,222	208,955	39.6%	60.4%		60.4%
38	132,990	120,812	253,802	52.4%	47.6%	52.4%	
39	89,057	121,749	210,806	42.2%	57.8%		57.8%
40	141,957	113,787	255,744	55.5%	44.5%	55.5%	
41	146,279	47,767	194,046	75.4%	24.6%	75.4%	

42	117,152	134,853	252,005	46.5%	53.5%		53.5%
43	76,783	162,758	239,541	32.1%	67.9%		67.9%
44	99,614	90,676	190,290	52.3%	47.7%	52.3%	
45	88,870	151,529	240,399	37.0%	63.0%		63.0%
46	100,201	91,010	191,211	52.4%	47.6%	52.4%	
47	180,851	108,398	289,249	62.5%	37.5%	62.5%	
48	149,718	139,852	289,570	51.7%	48.3%	51.7%	
49	115,398	141,193	256,591	45.0%	55.0%		55.0%
50	94,713	166,733	261,446	36.2%	63.8%		63.8%
51	111,130	165,219	276,349	40.2%	59.8%		59.8%
52	114,803	156,082	270,885	42.4%	57.6%		57.6%
53	130,313	54,774	185,087	70.4%	29.6%	70.4%	
54	127,975	139,111	267,086	47.9%	52.1%		52.1%
55	128,407	137,674	266,081	48.3%	51.7%		51.7%
56	139,638	117,551	257,189	54.3%	45.7%	54.3%	
57	101,261	103,557	204,818	49.4%	50.6%		50.6%
58	111,853	108,918	220,771	50.7%	49.3%	50.7%	
59	96,291	153,507	249,798	38.5%	61.5%		61.5%
60	111,641	136,975	248,616	44.9%	55.1%		55.1%
61	126,723	112,939	239,662	52.9%	47.1%	52.9%	
62	127,477	123,729	251,206	50.7%	49.3%	50.7%	
63	101,281	150,135	251,416	40.3%	59.7%		59.7%
64	101,460	120,675	222,135	45.7%	54.3%		54.3%
65	85,900	163,986	249,886	34.4%	65.6%		65.6%
66	98,092	173,887	271,979	36.1%	63.9%		63.9%
67	115,617	135,800	251,417	46.0%	54.0%		54.0%
68	129,080	126,754	255,834	50.5%	49.5%	50.5%	
69	147,237	92,384	239,621	61.4%	38.6%	61.4%	
70	165,790	29,647	195,437	84.8%	15.2%	84.8%	
71	116,526	139,268	255,794	45.6%	54.4%		54.4%
72	123,073	140,174	263,247	46.8%	53.2%		53.2%
73	123,483	97,276	220,759	55.9%	44.1%	55.9%	
74	151,406	69,264	220,670	68.6%	31.4%	68.6%	
75	154,639	103,181	257,820	60.0%	40.0%	60.0%	
76	137,003	124,417	261,420	52.4%	47.6%	52.4%	
77	150,667	91,452	242,119	62.2%	37.8%	62.2%	
78	84,368	135,153	219,521	38.4%	61.6%		61.6%
79	79,213	163,402	242,615	32.6%	67.4%		67.4%
80	132,111	116,105	248,216	53.2%	46.8%	53.2%	
81	138,074	126,592	264,666	52.2%	47.8%	52.2%	
82	145,302	54,634	199,936	72.7%	27.3%	72.7%	
83	88,453	82,449	170,902	51.8%	48.2%	51.8%	

84	117,421	112,321	229,742	51.1%	48.9%	51.1%	
85	68,966	186,637	255,603	27.0%	73.0%		73.0%
86	98,497	123,103	221,600	44.4%	55.6%		55.6%
87	123,403	71,482	194,885	63.3%	36.7%	63.3%	
88	118,417	149,578	267,995	44.2%	55.8%		55.8%
89	74,299	141,710	216,009	34.4%	65.6%		65.6%
90	100,953	160,659	261,612	38.6%	61.4%		61.4%
91	80,718	135,903	216,621	37.3%	62.7%		62.7%
92	94,713	95,722	190,435	49.7%	50.3%		50.3%
93	96,021	145,419	241,440	39.8%	60.2%		60.2%
94	151,402	66,359	217,761	69.5%	30.5%	69.5%	
95	107,948	145,448	253,396	42.6%	57.4%		57.4%
96	127,762	123,736	251,498	50.8%	49.2%	50.8%	
97	100,901	149,879	250,780	40.2%	59.8%		59.8%
98	83,376	157,251	240,627	34.6%	65.4%		65.4%
99	96,789	146,231	243,020	39.8%	60.2%		60.2%
100	84,705	139,405	224,110	37.8%	62.2%		62.2%
101	83,300	144,877	228,177	36.5%	63.5%		63.5%
102	108,459	136,808	245,267	44.2%	55.8%		55.8%
103	151,718	153,918	305,636	49.6%	50.4%		50.4%
104	104,388	159,688	264,076	39.5%	60.5%		60.5%
105	91,223	160,728	251,951	36.2%	63.8%		63.8%
106	104,098	163,402	267,500	38.9%	61.1%		61.1%
107	116,824	154,811	271,635	43.0%	57.0%		57.0%
108	92,458	137,795	230,253	40.2%	59.8%		59.8%
109	128,641	112,255	240,896	53.4%	46.6%	53.4%	
110	101,781	135,758	237,539	42.8%	57.2%		57.2%

Mean-Median Difference



District Median Percentage	Dem	51.4%
	Rep	48.6%
Statewide mean percentage	Dem	53.8%
	Rep	46.2%
Mean-Median Difference	Dem	2.4%
	Rep	-2.4%

Findings	
Rep	Districts have a mean-median advantage of 2.4%

DISTRICT	Party		31	54.2%	45.8%	62	50.7%	49.3%	93	39.8%	60.2%
	Dem	Rep									
1	90.5%	9.5%	32	77.5%	22.5%	63	40.3%	59.7%	94	69.5%	30.5%
2	59.1%	40.9%	33	72.7%	27.3%	64	45.7%	54.3%	95	42.6%	57.4%
3	75.4%	24.6%	34	43.6%	56.4%	65	34.4%	65.6%	96	50.8%	49.2%
4	97.1%	2.9%	35	32.8%	67.2%	66	36.1%	63.9%	97	40.2%	59.8%
5	93.1%	6.9%	36	36.9%	63.1%	67	46.0%	54.0%	98	34.6%	65.4%
6	63.7%	36.3%	37	39.6%	60.4%	68	50.5%	49.5%	99	39.8%	60.2%
7	95.2%	4.8%	38	52.4%	47.6%	69	61.4%	38.6%	100	37.8%	62.2%
8	91.5%	8.5%	39	42.2%	57.8%	70	84.8%	15.2%	101	36.5%	63.5%
9	95.7%	4.3%	40	55.5%	44.5%	71	45.6%	54.4%	102	44.2%	55.8%
10	66.0%	34.0%	41	75.4%	24.6%	72	46.8%	53.2%	103	49.6%	50.4%
11	87.5%	12.5%	42	46.5%	53.5%	73	55.9%	44.1%	104	39.5%	60.5%
12	70.3%	29.7%	43	32.1%	67.9%	74	68.6%	31.4%	105	36.2%	63.8%
13	55.4%	44.6%	44	52.3%	47.7%	75	60.0%	40.0%	106	38.9%	61.1%
14	61.3%	38.7%	45	37.0%	63.0%	76	52.4%	47.6%	107	43.0%	57.0%
15	61.7%	38.3%	46	52.4%	47.6%	77	62.2%	37.8%	108	40.2%	59.8%
16	77.2%	22.8%	47	62.5%	37.5%	78	38.4%	61.6%	109	53.4%	46.6%
17	69.1%	30.9%	48	51.7%	48.3%	79	32.6%	67.4%	110	42.8%	57.2%
18	79.9%	20.1%	49	45.0%	55.0%	80	53.2%	46.8%			
19	65.0%	35.0%	50	36.2%	63.8%	81	52.2%	47.8%			
20	56.1%	43.9%	51	40.2%	59.8%	82	72.7%	27.3%			
21	53.4%	46.6%	52	42.4%	57.6%	83	51.8%	48.2%			
22	49.5%	50.5%	53	70.4%	29.6%	84	51.1%	48.9%			
23	62.2%	37.8%	54	47.9%	52.1%	85	27.0%	73.0%			
24	59.2%	40.8%	55	48.3%	51.7%	86	44.4%	55.6%			
25	62.6%	37.4%	56	54.3%	45.7%	87	63.3%	36.7%			
26	70.8%	29.2%	57	49.4%	50.6%	88	44.2%	55.8%			
27	51.8%	48.2%	58	50.7%	49.3%	89	34.4%	65.6%			
28	52.7%	47.3%	59	38.5%	61.5%	90	38.6%	61.4%			
29	52.3%	47.7%	60	44.9%	55.1%	91	37.3%	62.7%			
30	44.0%	56.0%	61	52.9%	47.1%	92	49.7%	50.3%			

Efficiency Gap



		Total Wasted Votes	% Wasted Votes of Total Votes
Statewide % Wasted Votes	Dem	6,858,479	26.53%
	Rep	6,066,536	23.47%
Finding			
Rep	Candidates have an efficiency gap advantage of 3.1%		

DISTRICT	Party		Total Votes	Lost Votes		Minimum to win	Surplus Votes		Total Wasted Votes	
	Dem	Rep		Dem	Rep		Dem	Rep	Dem	Rep
1	106,899	11,177	118,076	0	11,177	59,038	47,861	0	47,861	11,177
2	118,979	82,467	201,446	0	82,467	100,723	18,256	0	18,256	82,467
3	98,490	32,078	130,568	0	32,078	65,284	33,206	0	33,206	32,078
4	177,404	5,219	182,623	0	5,219	91,312	86,093	0	86,093	5,219
5	215,788	15,951	231,739	0	15,951	115,870	99,919	0	99,919	15,951
6	196,359	112,110	308,469	0	112,110	154,235	42,125	0	42,125	112,110
7	141,388	7,147	148,535	0	7,147	74,268	67,121	0	67,121	7,147
8	205,089	19,145	224,234	0	19,145	112,117	92,972	0	92,972	19,145
9	173,837	7,730	181,567	0	7,730	90,784	83,054	0	83,054	7,730
10	174,100	89,628	263,728	0	89,628	131,864	42,236	0	42,236	89,628
11	149,767	21,334	171,101	0	21,334	85,551	64,217	0	64,217	21,334
12	156,849	66,379	223,228	0	66,379	111,614	45,235	0	45,235	66,379
13	128,544	103,686	232,230	0	103,686	116,115	12,429	0	12,429	103,686
14	129,036	81,438	210,474	0	81,438	105,237	23,799	0	23,799	81,438
15	123,513	76,787	200,300	0	76,787	100,150	23,363	0	23,363	76,787
16	185,491	54,808	240,299	0	54,808	120,150	65,342	0	65,342	54,808
17	154,399	68,969	223,368	0	68,969	111,684	42,715	0	42,715	68,969
18	224,964	56,686	281,650	0	56,686	140,825	84,139	0	84,139	56,686
19	193,602	104,066	297,668	0	104,066	148,834	44,768	0	44,768	104,066
20	165,048	128,959	294,007	0	128,959	147,004	18,045	0	18,045	128,959
21	124,548	108,585	233,133	0	108,585	116,567	7,982	0	7,982	108,585
22	149,570	152,751	302,321	149,570	0	151,161	0	1,591	149,570	1,591
23	138,186	84,109	222,295	0	84,109	111,148	27,039	0	27,039	84,109
24	145,027	99,963	244,990	0	99,963	122,495	22,532	0	22,532	99,963
25	128,098	76,374	204,472	0	76,374	102,236	25,862	0	25,862	76,374
26	142,076	58,681	200,757	0	58,681	100,379	41,698	0	41,698	58,681
27	131,696	122,768	254,464	0	122,768	127,232	4,464	0	4,464	122,768
28	117,419	105,408	222,827	0	105,408	111,414	6,006	0	6,006	105,408
29	110,064	100,273	210,337	0	100,273	105,169	4,896	0	4,896	100,273
30	105,707	134,301	240,008	105,707	0	120,004	0	14,297	105,707	14,297
31	129,175	108,952	238,127	0	108,952	119,064	10,112	0	10,112	108,952
32	167,723	48,576	216,299	0	48,576	108,150	59,574	0	59,574	48,576
33	199,387	74,686	274,073	0	74,686	137,037	62,351	0	62,351	74,686
34	99,122	128,310	227,432	99,122	0	113,716	0	14,594	99,122	14,594
35	66,677	136,666	203,343	66,677	0	101,672	0	34,995	66,677	34,995
36	71,220	121,944	193,164	71,220	0	96,582	0	25,362	71,220	25,362
37	82,733	126,222	208,955	82,733	0	104,478	0	21,745	82,733	21,745
38	132,990	120,812	253,802	0	120,812	126,901	6,089	0	6,089	120,812
39	89,057	121,749	210,806	89,057	0	105,403	0	16,346	89,057	16,346
40	141,957	113,787	255,744	0	113,787	127,872	14,085	0	14,085	113,787
41	146,279	47,767	194,046	0	47,767	97,023	49,256	0	49,256	47,767
42	117,152	134,853	252,005	117,152	0	126,003	0	8,851	117,152	8,851
43	76,783	162,758	239,541	76,783	0	119,771	0	42,988	76,783	42,988
44	99,614	90,676	190,290	0	90,676	95,145	4,469	0	4,469	90,676
45	88,870	151,529	240,399	88,870	0	120,200	0	31,330	88,870	31,330
46	100,201	91,010	191,211	0	91,010	95,606	4,596	0	4,596	91,010
47	180,851	108,398	289,249	0	108,398	144,625	36,227	0	36,227	108,398
48	149,718	139,852	289,570	0	139,852	144,785	4,933	0	4,933	139,852
49	115,398	141,193	256,591	115,398	0	128,296	0	12,898	115,398	12,898
50	94,713	166,733	261,446	94,713	0	130,723	0	36,010	94,713	36,010
51	111,130	165,219	276,349	111,130	0	138,175	0	27,045	111,130	27,045
52	114,803	156,082	270,885	114,803	0	135,443	0	20,640	114,803	20,640
53	130,313	54,774	185,087	0	54,774	92,544	37,770	0	37,770	54,774
54	127,975	139,111	267,086	127,975	0	133,543	0	5,568	127,975	5,568
55	128,407	137,674	266,081	128,407	0	133,041	0	4,634	128,407	4,634
56	139,638	117,551	257,189	0	117,551	128,595	11,044	0	11,044	117,551
57	101,261	103,557	204,818	101,261	0	102,409	0	1,148	101,261	1,148
58	111,853	108,918	220,771	0	108,918	110,386	1,468	0	1,468	108,918
59	96,291	153,507	249,798	96,291	0	124,899	0	28,608	96,291	28,608
60	111,641	136,975	248,616	111,641	0	124,308	0	12,667	111,641	12,667
61	126,723	112,939	239,662	0	112,939	119,831	6,892	0	6,892	112,939
62	127,477	123,729	251,206	0	123,729	125,603	1,874	0	1,874	123,729
63	101,281	150,135	251,416	101,281	0	125,708	0	24,427	101,281	24,427
64	101,460	120,675	222,135	101,460	0	111,068	0	9,608	101,460	9,608
65	85,900	163,986	249,886	85,900	0	124,943	0	39,043	85,900	39,043

66	98,092	173,887	271,979	98,092	0	135,990	0	37,898	98,092	37,898
67	115,617	135,800	251,417	115,617	0	125,709	0	10,092	115,617	10,092
68	129,080	126,754	255,834	0	126,754	127,917	1,163	0	1,163	126,754
69	147,237	92,384	239,621	0	92,384	119,811	27,427	0	27,427	92,384
70	165,790	29,647	195,437	0	29,647	97,719	68,072	0	68,072	29,647
71	116,526	139,268	255,794	116,526	0	127,897	0	11,371	116,526	11,371
72	123,073	140,174	263,247	123,073	0	131,624	0	8,551	123,073	8,551
73	123,483	97,276	220,759	0	97,276	110,380	13,104	0	13,104	97,276
74	151,406	69,264	220,670	0	69,264	110,335	41,071	0	41,071	69,264
75	154,639	103,181	257,820	0	103,181	128,910	25,729	0	25,729	103,181
76	137,003	124,417	261,420	0	124,417	130,710	6,293	0	6,293	124,417
77	150,667	91,452	242,119	0	91,452	121,060	29,608	0	29,608	91,452
78	84,368	135,153	219,521	84,368	0	109,761	0	25,393	84,368	25,393
79	79,213	163,402	242,615	79,213	0	121,308	0	42,095	79,213	42,095
80	132,111	116,105	248,216	0	116,105	124,108	8,003	0	8,003	116,105
81	138,074	126,592	264,666	0	126,592	132,333	5,741	0	5,741	126,592
82	145,302	54,634	199,936	0	54,634	99,968	45,334	0	45,334	54,634
83	88,453	82,449	170,902	0	82,449	85,451	3,002	0	3,002	82,449
84	117,421	112,321	229,742	0	112,321	114,871	2,550	0	2,550	112,321
85	68,966	186,637	255,603	68,966	0	127,802	0	58,836	68,966	58,836
86	98,497	123,103	221,600	98,497	0	110,800	0	12,303	98,497	12,303
87	123,403	71,482	194,885	0	71,482	97,443	25,961	0	25,961	71,482
88	118,417	149,578	267,995	118,417	0	133,998	0	15,581	118,417	15,581
89	74,299	141,710	216,009	74,299	0	108,005	0	33,706	74,299	33,706
90	100,953	160,659	261,612	100,953	0	130,806	0	29,853	100,953	29,853
91	80,718	135,903	216,621	80,718	0	108,311	0	27,593	80,718	27,593
92	94,713	95,722	190,435	94,713	0	95,218	0	505	94,713	505
93	96,021	145,419	241,440	96,021	0	120,720	0	24,699	96,021	24,699
94	151,402	66,359	217,761	0	66,359	108,881	42,522	0	42,522	66,359
95	107,948	145,448	253,396	107,948	0	126,698	0	18,750	107,948	18,750
96	127,762	123,736	251,498	0	123,736	125,749	2,013	0	2,013	123,736
97	100,901	149,879	250,780	100,901	0	125,390	0	24,489	100,901	24,489
98	83,376	157,251	240,627	83,376	0	120,314	0	36,938	83,376	36,938
99	96,789	146,231	243,020	96,789	0	121,510	0	24,721	96,789	24,721
100	84,705	139,405	224,110	84,705	0	112,055	0	27,350	84,705	27,350
101	83,300	144,877	228,177	83,300	0	114,089	0	30,789	83,300	30,789
102	108,459	136,808	245,267	108,459	0	122,634	0	14,175	108,459	14,175
103	151,718	153,918	305,636	151,718	0	152,818	0	1,100	151,718	1,100
104	104,388	159,688	264,076	104,388	0	132,038	0	27,650	104,388	27,650
105	91,223	160,728	251,951	91,223	0	125,976	0	34,753	91,223	34,753
106	104,098	163,402	267,500	104,098	0	133,750	0	29,652	104,098	29,652
107	116,824	154,811	271,635	116,824	0	135,818	0	18,994	116,824	18,994
108	92,458	137,795	230,253	92,458	0	115,127	0	22,669	92,458	22,669
109	128,641	112,255	240,896	0	112,255	120,448	8,193	0	8,193	112,255
110	101,781	135,758	237,539	101,781	0	118,770	0	16,989	101,781	16,989

Seats to Votes Ratio



	Vote Share	Count of Seats	Seat Share	Proportionality Bias
Dem	52.9%	60	54.5%	1.7%
Rep	47.1%	50	45.5%	-1.7%

DISTRICT	Composite Score													
	Dem	Dem %	Rep	Rep %										
1	106,899	90.5%	11,177	9.5%	41	146,279	75.4%	47,767	24.6%	83	88,453	51.8%	82,449	48.2%
2	118,979	59.1%	82,467	40.9%	42	117,152	46.5%	134,853	53.5%	84	117,421	51.1%	112,321	48.9%
3	98,490	75.4%	32,078	24.6%	43	76,783	32.1%	162,758	67.9%	85	68,966	27.0%	186,637	73.0%
4	177,404	97.1%	5,219	2.9%	44	99,614	52.3%	90,676	47.7%	86	98,497	44.4%	123,103	55.6%
5	215,788	93.1%	15,951	6.9%	45	88,870	37.0%	151,529	63.0%	87	123,403	63.3%	71,482	36.7%
6	196,359	63.7%	112,110	36.3%	46	100,201	52.4%	91,010	47.6%	88	118,417	44.2%	149,578	55.8%
7	141,388	95.2%	7,147	4.8%	47	180,851	62.5%	108,398	37.5%	89	74,299	34.4%	141,710	65.6%
8	205,089	91.5%	19,145	8.5%	48	149,718	51.7%	139,852	48.3%	90	100,953	38.6%	160,659	61.4%
9	173,837	95.7%	7,730	4.3%	49	115,398	45.0%	141,193	55.0%	91	80,718	37.3%	135,903	62.7%
10	174,100	66.0%	89,628	34.0%	50	94,713	36.2%	166,733	63.8%	92	94,713	49.7%	95,722	50.3%
11	149,767	87.5%	21,334	12.5%	51	111,130	40.2%	165,219	59.8%	93	96,021	39.8%	145,419	60.2%
12	156,849	70.3%	66,379	29.7%	52	114,803	42.4%	156,082	57.6%	94	151,402	69.5%	66,359	30.5%
13	128,544	55.4%	103,686	44.6%	53	130,313	70.4%	54,774	29.6%	95	107,948	42.6%	145,448	57.4%
14	129,036	61.3%	81,438	38.7%	54	127,975	47.9%	139,111	52.1%	96	127,762	50.8%	123,736	49.2%
15	123,513	61.7%	76,787	38.3%	55	128,407	48.3%	137,674	51.7%	97	100,901	40.2%	149,879	59.8%
16	185,491	77.2%	54,808	22.8%	56	139,638	54.3%	117,551	45.7%	98	83,376	34.6%	157,251	65.4%
17	154,399	69.1%	68,969	30.9%	57	101,261	49.4%	103,557	50.6%	99	96,789	39.8%	146,231	60.2%
18	224,964	79.9%	56,686	20.1%	58	111,853	50.7%	108,918	49.3%	100	84,705	37.8%	139,405	62.2%
19	193,602	65.0%	104,066	35.0%	59	96,291	38.5%	153,507	61.5%	101	83,300	36.5%	144,877	63.5%
20	165,048	56.1%	128,959	43.9%	60	111,641	44.9%	136,975	55.1%	102	108,459	44.2%	136,808	55.8%
21	124,548	53.4%	108,585	46.6%	61	126,723	52.9%	112,939	47.1%	103	151,718	49.6%	153,918	50.4%
22	149,570	49.5%	152,751	50.5%	62	127,477	50.7%	123,729	49.3%	104	104,388	39.5%	159,688	60.5%
23	138,186	62.2%	84,109	37.8%	63	101,281	40.3%	150,135	59.7%	105	91,223	36.2%	160,728	63.8%
24	145,027	59.2%	99,963	40.8%	64	101,460	45.7%	120,675	54.3%	106	104,098	38.9%	163,402	61.1%
25	128,098	62.6%	76,374	37.4%	65	85,900	34.4%	163,986	65.6%	107	116,824	43.0%	154,811	57.0%
26	142,076	70.8%	58,681	29.2%	66	98,092	36.1%	173,887	63.9%	108	92,458	40.2%	137,795	59.8%
27	131,696	51.8%	122,768	48.2%	67	115,617	46.0%	135,800	54.0%	109	128,641	53.4%	112,255	46.6%
28	117,419	52.7%	105,408	47.3%	68	129,080	50.5%	126,754	49.5%	110	101,781	42.8%	135,758	57.2%
29	110,064	52.3%	100,273	47.7%	69	147,237	61.4%	92,384	38.6%					
30	105,707	44.0%	134,301	56.0%	70	165,790	84.8%	29,647	15.2%					
31	129,175	54.2%	108,952	45.8%	71	116,526	45.6%	139,268	54.4%					
32	167,723	77.5%	48,576	22.5%	72	123,073	46.8%	140,174	53.2%					
33	199,387	72.7%	74,686	27.3%	73	123,483	55.9%	97,276	44.1%					
34	99,122	43.6%	128,310	56.4%	74	151,406	68.6%	69,264	31.4%					
35	66,677	32.8%	136,666	67.2%	75	154,639	60.0%	103,181	40.0%					
36	71,220	36.9%	121,944	63.1%	76	137,003	52.4%	124,417	47.6%					
37	82,733	39.6%	126,222	60.4%	77	150,667	62.2%	91,452	37.8%					
38	132,990	52.4%	120,812	47.6%	78	84,368	38.4%	135,153	61.6%					
39	89,057	42.2%	121,749	57.8%	79	79,213	32.6%	163,402	67.4%					
40	141,957	55.5%	113,787	44.5%	80	132,111	53.2%	116,105	46.8%					
					81	138,074	52.2%	126,592	47.8%					
					82	145,302	72.7%	54,634	27.3%					

COMPACTNESS



Autobound EDGE - Compactness Report

Plan Name: State House:020124_V4_HD_COL Motown Sound FC E1

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Compactness measure: Polsby-Popper

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
1	26	32	79	18	0.32
2	18	20	31	15	0.60
3	21	26	55	16	0.38
4	17	23	42	15	0.42
5	14	20	32	13	0.43
6	19	24	47	15	0.40
7	21	31	76	16	0.28
8	19	28	60	15	0.32
9	29	35	98	19	0.30
10	47	31	77	24	0.61
11	22	25	49	16	0.45
12	17	26	52	15	0.33
13	19	23	43	16	0.44
14	21	25	51	16	0.41
15	16	28	63	14	0.26
16	24	28	62	17	0.39
17	23	27	58	17	0.40
18	34	33	85	21	0.39
19	38	41	137	22	0.28
20	51	40	125	25	0.41
21	52	39	122	25	0.42
22	41	41	132	23	0.31
23	97	60	285	35	0.34
24	30	25	51	19	0.58
25	28	40	127	19	0.22
26	34	36	103	21	0.33
27	46	33	88	24	0.53
28	171	77	477	46	0.36
29	112	78	478	38	0.23
30	364	115	1,043	68	0.35
31	393	112	1,007	70	0.39
32	44	31	75	24	0.59
33	151	66	346	44	0.44
34	664	117	1,082	91	0.61
35	1,129	152	1,843	119	0.61
36	864	129	1,315	104	0.66
37	523	116	1,068	81	0.49
38	2,765	245	4,761	186	0.58
39	769	129	1,334	98	0.58
40	101	58	264	36	0.38
41	33	38	113	20	0.29
42	388	147	1,709	70	0.23

43	815	190	2,877	101	0.28
44	255	100	795	57	0.32
45	969	213	3,620	110	0.27
46	163	88	615	45	0.26
47	338	132	1,393	65	0.24
48	285	119	1,122	60	0.25
49	106	71	397	36	0.27
50	405	106	901	71	0.45
51	138	69	378	42	0.36
52	83	50	202	32	0.41
53	38	44	152	22	0.25
54	70	62	307	30	0.23
55	42	30	72	23	0.58
56	32	29	68	20	0.48
57	28	30	70	19	0.39
58	25	48	184	18	0.14
59	40	38	113	23	0.36
60	33	34	91	20	0.36
61	27	38	115	18	0.23
62	114	61	295	38	0.39
63	229	96	739	54	0.31
64	296	86	590	61	0.50
65	808	141	1,581	101	0.51
66	209	79	499	51	0.42
67	452	119	1,118	75	0.40
68	149	71	396	43	0.38
69	158	70	390	45	0.41
70	40	43	150	23	0.27
71	683	131	1,375	93	0.50
72	175	77	472	47	0.37
73	443	111	982	75	0.45
74	49	32	81	25	0.60
75	291	88	611	60	0.48
76	425	102	824	73	0.52
77	202	82	531	50	0.38
78	832	160	2,026	102	0.41
79	250	92	667	56	0.38
80	63	50	201	28	0.31
81	77	48	186	31	0.42
82	17	32	81	15	0.21
83	27	36	105	19	0.26
84	46	39	118	24	0.39
85	92	56	247	34	0.37
86	80	51	204	32	0.39
87	99	55	242	35	0.41

88	2,200	206	3,362	166	0.65
89	429	113	1,018	73	0.42
90	303	106	899	62	0.34
91	833	145	1,666	102	0.50
92	761	139	1,533	98	0.50
93	1,179	210	3,505	122	0.34
94	59	52	214	27	0.28
95	624	107	916	89	0.68
96	481	102	822	78	0.59
97	885	220	3,867	105	0.23
98	4,118	305	7,422	227	0.55
99	3,825	344	9,395	219	0.41
100	1,719	191	2,917	147	0.59
101	1,941	251	4,996	156	0.39
102	3,417	291	6,755	207	0.51
103	2,883	250	4,975	190	0.58
104	2,436	362	10,413	175	0.23
105	2,921	300	7,146	192	0.41
106	7,780	397	12,550	313	0.62
107	4,923	444	15,720	249	0.31
108	9,287	645	33,135	342	0.28
109	10,075	541	23,305	356	0.43
110	14,139	680	36,767	422	0.38

Most Compact: 0.68 For District: 95

Least Compact: 0.14 For District: 58

Compactness measure: Schwartzberg

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
1	26	32	79	18	0.57
2	18	20	31	15	0.77
3	21	26	55	16	0.61
4	17	23	42	15	0.65
5	14	20	32	13	0.66
6	19	24	47	15	0.64
7	21	31	76	16	0.53
8	19	28	60	15	0.56
9	29	35	98	19	0.55
10	47	31	77	24	0.78
11	22	25	49	16	0.67
12	17	26	52	15	0.57
13	19	23	43	16	0.66
14	21	25	51	16	0.64
15	16	28	63	14	0.51
16	24	28	62	17	0.63
17	23	27	58	17	0.63

18	34	33	85	21	0.63
19	38	41	137	22	0.53
20	51	40	125	25	0.64
21	52	39	122	25	0.65
22	41	41	132	23	0.56
23	97	60	285	35	0.58
24	30	25	51	19	0.76
25	28	40	127	19	0.47
26	34	36	103	21	0.57
27	46	33	88	24	0.73
28	171	77	477	46	0.60
29	112	78	478	38	0.48
30	364	115	1,043	68	0.59
31	393	112	1,007	70	0.62
32	44	31	75	24	0.77
33	151	66	346	44	0.66
34	664	117	1,082	91	0.78
35	1,129	152	1,843	119	0.78
36	864	129	1,315	104	0.81
37	523	116	1,068	81	0.70
38	2,765	245	4,761	186	0.76
39	769	129	1,334	98	0.76
40	101	58	264	36	0.62
41	33	38	113	20	0.54
42	388	147	1,709	70	0.48
43	815	190	2,877	101	0.53
44	255	100	795	57	0.57
45	969	213	3,620	110	0.52
46	163	88	615	45	0.51
47	338	132	1,393	65	0.49
48	285	119	1,122	60	0.50
49	106	71	397	36	0.52
50	405	106	901	71	0.67
51	138	69	378	42	0.60
52	83	50	202	32	0.64
53	38	44	152	22	0.50
54	70	62	307	30	0.48
55	42	30	72	23	0.76
56	32	29	68	20	0.69
57	28	30	70	19	0.63
58	25	48	184	18	0.37
59	40	38	113	23	0.60
60	33	34	91	20	0.60
61	27	38	115	18	0.48
62	114	61	295	38	0.62

63	229	96	739	54	0.56
64	296	86	590	61	0.71
65	808	141	1,581	101	0.71
66	209	79	499	51	0.65
67	452	119	1,118	75	0.64
68	149	71	396	43	0.61
69	158	70	390	45	0.64
70	40	43	150	23	0.52
71	683	131	1,375	93	0.70
72	175	77	472	47	0.61
73	443	111	982	75	0.67
74	49	32	81	25	0.78
75	291	88	611	60	0.69
76	425	102	824	73	0.72
77	202	82	531	50	0.62
78	832	160	2,026	102	0.64
79	250	92	667	56	0.61
80	63	50	201	28	0.56
81	77	48	186	31	0.64
82	17	32	81	15	0.46
83	27	36	105	19	0.51
84	46	39	118	24	0.63
85	92	56	247	34	0.61
86	80	51	204	32	0.63
87	99	55	242	35	0.64
88	2,200	206	3,362	166	0.81
89	429	113	1,018	73	0.65
90	303	106	899	62	0.58
91	833	145	1,666	102	0.71
92	761	139	1,533	98	0.70
93	1,179	210	3,505	122	0.58
94	59	52	214	27	0.53
95	624	107	916	89	0.82
96	481	102	822	78	0.76
97	885	220	3,867	105	0.48
98	4,118	305	7,422	227	0.74
99	3,825	344	9,395	219	0.64
100	1,719	191	2,917	147	0.77
101	1,941	251	4,996	156	0.62
102	3,417	291	6,755	207	0.71
103	2,883	250	4,975	190	0.76
104	2,436	362	10,413	175	0.48
105	2,921	300	7,146	192	0.64
106	7,780	397	12,550	313	0.79
107	4,923	444	15,720	249	0.56

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Plan Name: State House:020124_V4_HD_COL Motown Sound FC E1

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108	9,287	645	33,135	342	0.53
109	10,075	541	23,305	356	0.66
110	14,139	680	36,767	422	0.62

Most Compact: 0.82 For District: 95

Least Compact: 0.37 For District: 58

Compactness measure: Reock Score

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
1	26	32	79	18	0.35
2	18	20	31	15	0.49
3	21	26	55	16	0.49
4	17	23	42	15	0.53
5	14	20	32	13	0.51
6	19	24	47	15	0.32
7	21	31	76	16	0.36
8	19	28	60	15	0.41
9	29	35	98	19	0.32
10	47	31	77	24	0.48
11	22	25	49	16	0.42
12	17	26	52	15	0.36
13	19	23	43	16	0.39
14	21	25	51	16	0.53
15	16	28	63	14	0.42
16	24	28	62	17	0.38
17	23	27	58	17	0.28
18	34	33	85	21	0.37
19	38	41	137	22	0.38
20	51	40	125	25	0.44
21	52	39	122	25	0.37
22	41	41	132	23	0.39
23	97	60	285	35	0.45
24	30	25	51	19	0.52
25	28	40	127	19	0.24
26	34	36	103	21	0.37
27	46	33	88	24	0.42
28	171	77	477	46	0.36
29	112	78	478	38	0.21
30	364	115	1,043	68	0.40
31	393	112	1,007	70	0.45
32	44	31	75	24	0.49
33	151	66	346	44	0.40
34	664	117	1,082	91	0.55
35	1,129	152	1,843	119	0.49
36	864	129	1,315	104	0.49
37	523	116	1,068	81	0.40

38	2,765	245	4,761	186	0.47
39	769	129	1,334	98	0.50
40	101	58	264	36	0.52
41	33	38	113	20	0.50
42	388	147	1,709	70	0.43
43	815	190	2,877	101	0.25
44	255	100	795	57	0.32
45	969	213	3,620	110	0.30
46	163	88	615	45	0.31
47	338	132	1,393	65	0.28
48	285	119	1,122	60	0.37
49	106	71	397	36	0.39
50	405	106	901	71	0.57
51	138	69	378	42	0.45
52	83	50	202	32	0.55
53	38	44	152	22	0.34
54	70	62	307	30	0.30
55	42	30	72	23	0.50
56	32	29	68	20	0.49
57	28	30	70	19	0.40
58	25	48	184	18	0.29
59	40	38	113	23	0.48
60	33	34	91	20	0.41
61	27	38	115	18	0.40
62	114	61	295	38	0.46
63	229	96	739	54	0.31
64	296	86	590	61	0.40
65	808	141	1,581	101	0.54
66	209	79	499	51	0.37
67	452	119	1,118	75	0.52
68	149	71	396	43	0.42
69	158	70	390	45	0.57
70	40	43	150	23	0.48
71	683	131	1,375	93	0.58
72	175	77	472	47	0.51
73	443	111	982	75	0.51
74	49	32	81	25	0.61
75	291	88	611	60	0.44
76	425	102	824	73	0.59
77	202	82	531	50	0.50
78	832	160	2,026	102	0.50
79	250	92	667	56	0.35
80	63	50	201	28	0.49
81	77	48	186	31	0.39
82	17	32	81	15	0.48

83	27	36	105	19	0.43
84	46	39	118	24	0.40
85	92	56	247	34	0.37
86	80	51	204	32	0.48
87	99	55	242	35	0.57
88	2,200	206	3,362	166	0.56
89	429	113	1,018	73	0.50
90	303	106	899	62	0.36
91	833	145	1,666	102	0.52
92	761	139	1,533	98	0.44
93	1,179	210	3,505	122	0.39
94	59	52	214	27	0.43
95	624	107	916	89	0.60
96	481	102	822	78	0.54
97	885	220	3,867	105	0.51
98	4,118	305	7,422	227	0.72
99	3,825	344	9,395	219	0.29
100	1,719	191	2,917	147	0.54
101	1,941	251	4,996	156	0.34
102	3,417	291	6,755	207	0.49
103	2,883	250	4,975	190	0.55
104	2,436	362	10,413	175	0.31
105	2,921	300	7,146	192	0.50
106	7,780	397	12,550	313	0.46
107	4,923	444	15,720	249	0.43
108	9,287	645	33,135	342	0.34
109	10,075	541	23,305	356	0.58
110	14,139	680	36,767	422	0.57

Most Compact: 0.72 For District: 98

Least Compact: 0.21 For District: 29

Compactness measure: Length-Width

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
1	26	32	79	18	0.93
2	18	20	31	15	0.80
3	21	26	55	16	1.66
4	17	23	42	15	1.62
5	14	20	32	13	0.99
6	19	24	47	15	1.50
7	21	31	76	16	2.18
8	19	28	60	15	0.93
9	29	35	98	19	1.69
10	47	31	77	24	2.12
11	22	25	49	16	2.14
12	17	26	52	15	1.41

13	19	23	43	16	2.28
14	21	25	51	16	1.26
15	16	28	63	14	1.06
16	24	28	62	17	2.19
17	23	27	58	17	4.09
18	34	33	85	21	3.19
19	38	41	137	22	2.06
20	51	40	125	25	2.40
21	52	39	122	25	2.72
22	41	41	132	23	2.21
23	97	60	285	35	1.18
24	30	25	51	19	1.33
25	28	40	127	19	2.20
26	34	36	103	21	1.03
27	46	33	88	24	0.68
28	171	77	477	46	0.76
29	112	78	478	38	0.67
30	364	115	1,043	68	2.28
31	393	112	1,007	70	1.53
32	44	31	75	24	1.53
33	151	66	346	44	1.79
34	664	117	1,082	91	1.61
35	1,129	152	1,843	119	2.57
36	864	129	1,315	104	2.61
37	523	116	1,068	81	2.16
38	2,765	245	4,761	186	1.07
39	769	129	1,334	98	1.46
40	101	58	264	36	1.36
41	33	38	113	20	1.13
42	388	147	1,709	70	1.06
43	815	190	2,877	101	2.71
44	255	100	795	57	3.04
45	969	213	3,620	110	3.29
46	163	88	615	45	3.13
47	338	132	1,393	65	2.71
48	285	119	1,122	60	1.87
49	106	71	397	36	1.99
50	405	106	901	71	1.34
51	138	69	378	42	0.90
52	83	50	202	32	1.49
53	38	44	152	22	1.93
54	70	62	307	30	0.69
55	42	30	72	23	0.96
56	32	29	68	20	1.03
57	28	30	70	19	0.89

58	25	48	184	18	0.80
59	40	38	113	23	2.19
60	33	34	91	20	0.97
61	27	38	115	18	1.67
62	114	61	295	38	1.15
63	229	96	739	54	0.98
64	296	86	590	61	0.71
65	808	141	1,581	101	1.09
66	209	79	499	51	2.60
67	452	119	1,118	75	1.07
68	149	71	396	43	0.80
69	158	70	390	45	1.01
70	40	43	150	23	1.14
71	683	131	1,375	93	1.43
72	175	77	472	47	0.91
73	443	111	982	75	1.30
74	49	32	81	25	0.93
75	291	88	611	60	0.98
76	425	102	824	73	1.36
77	202	82	531	50	1.50
78	832	160	2,026	102	0.97
79	250	92	667	56	1.82
80	63	50	201	28	2.17
81	77	48	186	31	1.63
82	17	32	81	15	1.35
83	27	36	105	19	1.09
84	46	39	118	24	0.89
85	92	56	247	34	1.47
86	80	51	204	32	1.00
87	99	55	242	35	1.22
88	2,200	206	3,362	166	1.59
89	429	113	1,018	73	1.06
90	303	106	899	62	1.37
91	833	145	1,666	102	1.89
92	761	139	1,533	98	1.10
93	1,179	210	3,505	122	1.92
94	59	52	214	27	1.76
95	624	107	916	89	1.01
96	481	102	822	78	1.10
97	885	220	3,867	105	1.21
98	4,118	305	7,422	227	1.56
99	3,825	344	9,395	219	3.54
100	1,719	191	2,917	147	1.37
101	1,941	251	4,996	156	0.73
102	3,417	291	6,755	207	0.90

103	2,883	250	4,975	190	1.39
104	2,436	362	10,413	175	1.80
105	2,921	300	7,146	192	1.39
106	7,780	397	12,550	313	1.85
107	4,923	444	15,720	249	1.71
108	9,287	645	33,135	342	1.58
109	10,075	541	23,305	356	1.35
110	14,139	680	36,767	422	1.30

Most Compact: 4.09 For District: 17

Least Compact: 0.67 For District: 29

Compactness measure: Convex Hull

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
1	26	32	79	18	0.68
2	18	20	31	15	0.90
3	21	26	55	16	0.81
4	17	23	42	15	0.79
5	14	20	32	13	0.78
6	19	24	47	15	0.81
7	21	31	76	16	0.70
8	19	28	60	15	0.68
9	29	35	98	19	0.70
10	47	31	77	24	0.97
11	22	25	49	16	0.85
12	17	26	52	15	0.68
13	19	23	43	16	0.83
14	21	25	51	16	0.79
15	16	28	63	14	0.67
16	24	28	62	17	0.75
17	23	27	58	17	0.90
18	34	33	85	21	0.86
19	38	41	137	22	0.67
20	51	40	125	25	0.80
21	52	39	122	25	0.83
22	41	41	132	23	0.76
23	97	60	285	35	0.68
24	30	25	51	19	0.91
25	28	40	127	19	0.60
26	34	36	103	21	0.74
27	46	33	88	24	0.85
28	171	77	477	46	0.74
29	112	78	478	38	0.64
30	364	115	1,043	68	0.75
31	393	112	1,007	70	0.77
32	44	31	75	24	0.91

33	151	66	346	44	0.83
34	664	117	1,082	91	0.93
35	1,129	152	1,843	119	0.93
36	864	129	1,315	104	0.98
37	523	116	1,068	81	0.85
38	2,765	245	4,761	186	0.91
39	769	129	1,334	98	0.89
40	101	58	264	36	0.84
41	33	38	113	20	0.79
42	388	147	1,709	70	0.62
43	815	190	2,877	101	0.70
44	255	100	795	57	0.68
45	969	213	3,620	110	0.76
46	163	88	615	45	0.73
47	338	132	1,393	65	0.70
48	285	119	1,122	60	0.59
49	106	71	397	36	0.65
50	405	106	901	71	0.83
51	138	69	378	42	0.78
52	83	50	202	32	0.83
53	38	44	152	22	0.69
54	70	62	307	30	0.61
55	42	30	72	23	0.92
56	32	29	68	20	0.85
57	28	30	70	19	0.74
58	25	48	184	18	0.47
59	40	38	113	23	0.77
60	33	34	91	20	0.77
61	27	38	115	18	0.72
62	114	61	295	38	0.73
63	229	96	739	54	0.71
64	296	86	590	61	0.88
65	808	141	1,581	101	0.81
66	209	79	499	51	0.84
67	452	119	1,118	75	0.79
68	149	71	396	43	0.82
69	158	70	390	45	0.89
70	40	43	150	23	0.79
71	683	131	1,375	93	0.83
72	175	77	472	47	0.84
73	443	111	982	75	0.86
74	49	32	81	25	0.96
75	291	88	611	60	0.87
76	425	102	824	73	0.85
77	202	82	531	50	0.80

78	832	160	2,026	102	0.79
79	250	92	667	56	0.77
80	63	50	201	28	0.80
81	77	48	186	31	0.83
82	17	32	81	15	0.66
83	27	36	105	19	0.63
84	46	39	118	24	0.79
85	92	56	247	34	0.69
86	80	51	204	32	0.86
87	99	55	242	35	0.79
88	2,200	206	3,362	166	0.93
89	429	113	1,018	73	0.75
90	303	106	899	62	0.70
91	833	145	1,666	102	0.82
92	761	139	1,533	98	0.83
93	1,179	210	3,505	122	0.78
94	59	52	214	27	0.73
95	624	107	916	89	0.95
96	481	102	822	78	0.86
97	885	220	3,867	105	0.61
98	4,118	305	7,422	227	0.91
99	3,825	344	9,395	219	0.81
100	1,719	191	2,917	147	0.86
101	1,941	251	4,996	156	0.73
102	3,417	291	6,755	207	0.87
103	2,883	250	4,975	190	0.87
104	2,436	362	10,413	175	0.56
105	2,921	300	7,146	192	0.74
106	7,780	397	12,550	313	0.93
107	4,923	444	15,720	249	0.68
108	9,287	645	33,135	342	0.67
109	10,075	541	23,305	356	0.79
110	14,139	680	36,767	422	0.78

Most Compact: 0.98 For District: 36

Least Compact: 0.47 For District: 58



MICHIGAN SENATE

Public Comment
Sign-up Ends
at 7pm

On March 23, 2023, twelve Michigan voters filed suit, Donald Agee, Jr., et al. vs. Jocelyn Benson, in her official capacity as the Secretary of State of Michigan, et al., in the U.S. District Court for the Western District of Michigan alleging that the Commission's State House and Senate maps violated Section 2 of the Voting Rights Act and were an unconstitutional racial gerrymander under the U.S. Constitution's Fourteenth Amendment Equal Protection Clause. Although the Court dismissed claims related to some Districts, challenges against 13 Districts went to trial. These included House Districts 1, 7, 8, 10, 11, 12, and 14 as well as Senate Districts 1, 3, 6, 8, 10, and 11. All these Districts were in Macomb, Oakland, and/or Wayne counties.

After the trial, on December 21, 2023, the Court ruled that the Commission violated the Constitution's Equal Protection Clause by drawing the seven State House Districts and six State Senate Districts predominantly based on race. The Court ordered the Commission to redraw State Senate Districts 1, 3, 6, 8, 10, and 11 and submit a State Senate Remedial Plan by Thursday, June 27, 2024.

The Court required the Commission to submit to the Court and publish for public comment draft proposed remedial plans for the State Senate Districts by Wednesday, May 22, 2024. The Commission began redrawing the State Senate Districts on Tuesday, April 23, 2024. As directed by the Court, the Commission did not consider race when drafting the remedial plans. In addition to following the seven-ranked criteria in the Michigan Constitution, the Commission considered public comments. The Commission held 14 meetings, three of which were in person in Southeast Michigan, to develop draft proposed remedial plans. All meetings were live-streamed on YouTube.

On Wednesday, May 22, 2024, the Commission submitted the following draft proposed remedial plans to the Court and published the plans for public comment: Cardinal, Crane, Curry, Dove, Finch V2, Heron, Kellom, Lange, Orton, Starling V3, Szetela, and Wagner. Curry, Kellom, Lange, Orton, Szetela, and Wagner were individual maps.

The Commission solicited public feedback on all the draft proposed plans to hear from citizens, including in-person hearings at Cass Tech, King, and Renaissance High Schools in the City of Detroit. The Commission made minor revisions to the Crane plan in response to public comments and voted to submit Crane A1 to the Court as the Commission's proposed State Senate Remedial Plan. The Plaintiffs in the Agee case filed no objections to the proposed plan.

On July 26, 2024, the Court approved Crane A1 as the State Senate Remedial Plan and ordered the Secretary of State to implement the State Senate Remedial Plan for the 2026 elections.

Michigan’s Constitution identifies the qualifications to serve as a commissioner, which each commissioner met without objection. It also allows any “commissioner who votes against a redistricting plan [to] submit a dissenting report which shall be issued with the commission’s report.” Although the Commission respects the right of any dissenter to share their opinion, it does not mean the Commission agrees, in part or in whole, with any dissenting report. In fact, the Commission vehemently disagrees with the unfounded and misleading assertions and allegations levied against Commissioners, staff, and contractors in the sole dissenting report. Considering the Court’s approval of Crane A1, the Commission complied with the Equal Protection Clause in submitting its remedial plan.

Michigan Senate Districts

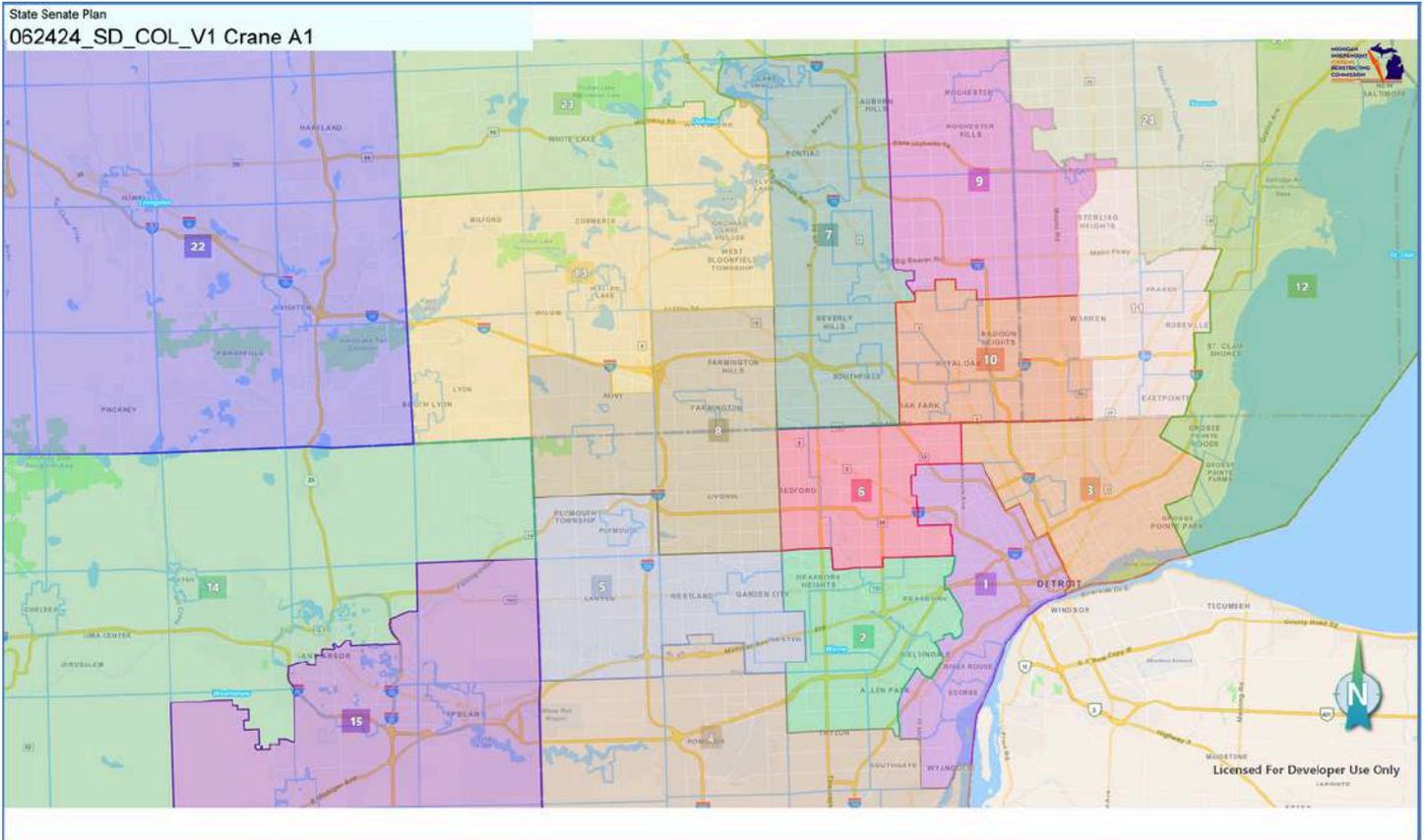
The Michigan Independent Citizen's Redistricting Commission approved the following map and district boundaries as the State Remedial plan.



[Legal Description & Interactive Map](#)

SENATE MAP

CRANE A1



Crane A1 (405) - Based on: 2020 Census Geography, 2020 PL94-171
Map Date: 5/24/2024 10:45:17 PM Last Edit: 5/24/2024 10:43:43 PM



Population

“(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.” The Michigan Independent Citizens Redistricting Commission sought and relied on legal counsel and expert advice in order to draw plans that complied with the requirements of the United States constitution, the Voting Rights Act and other federal laws. Material reflecting that counsel and advice is accessible on the Commission’s website.



[Meeting Notices & Materials](#)

[Mapping Data](#)

405_CraneA1_Population

DISTRICT	Total Population			
	All Persons	Target	Dev.	Difference
1	266,418	265,193	0.46% ✓	1,225
2	271,667	265,193	2.44% ✓	6,474
3	260,249	265,193	1.86% ✓	-4,944
4	268,307	265,193	1.17% ✓	3,114
5	271,314	265,193	2.31% ✓	6,121
6	263,550	265,193	0.62% ✓	-1,643
7	260,872	265,193	1.63% ✓	-4,321
8	270,122	265,193	1.63% ✓	-4,321
9	258,993	265,193	1.86% ✓	4,929
10	262,369	265,193	2.34% ✓	-6,200
11	259,384	265,193	1.06% ✓	-2,824
12	258,715	265,193	2.19% ✓	-5,809
13	261,260	265,193	2.19% ✓	-5,809
14	270,717	265,193	2.44% ✓	-6,478
15	270,492	265,193	1.48% ✓	-3,933
16	271,179	265,193	2.08% ✓	5,524
17	270,347	265,193	2.00% ✓	5,299
18	268,291	265,193	2.26% ✓	5,986
19	271,390	265,193	1.94% ✓	5,154
20	262,284	265,193	1.17% ✓	3,098
21	263,361	265,193	1.17% ✓	3,098
22	260,296	265,193	2.34% ✓	6,197
23	264,199	265,193	1.10% ✓	-2,909
24	258,723	265,193	0.69% ✓	-1,832
25	264,345	265,193	1.85% ✓	-4,897
26	260,766	265,193	0.37% ✓	-994
27	259,877	265,193	2.44% ✓	-6,470
28	261,214	265,193	0.32% ✓	-848
29	263,780	265,193	0.32% ✓	-848
30	271,211	265,193	1.67% ✓	-4,427
31	264,573	265,193	2.00% ✓	-5,316
32	261,805	265,193	1.50% ✓	-3,979
33	267,378	265,193	0.53% ✓	-1,413
34	268,708	265,193	2.27% ✓	6,018
35	270,366	265,193	0.23% ✓	-620
36	270,486	265,193	0.23% ✓	-620
37	261,707	265,193	1.28% ✓	-3,388
38	266,616	265,193	0.82% ✓	2,185
			1.33% ✓	3,515
			1.95% ✓	5,173
			2.00% ✓	5,293
			1.31% ✓	-3,486
			0.54% ✓	1,423

Assigned 10077331
 Total Pop 10077331
 nassigne 0

062424_SD_COL_V1 Crane-A1 - Wayne County

062424_SD_COL_V1 Crane-A1

District	Population (2020 Census)					VAP (2020 Census)					AP NH Black %		Percent of Population in Count			General Elections	
	Total	White	Black	Hispanic	Asian	Total	White	Black	Hispanic	Asian	Pop	VAP	Wayne	Oakland	Macomb	Dem Comp.	Biden 2020
6	263,550	10.9%	82.6%	2.2%	0.3%	199,124	12.6%	81.6%	1.8%	0.3%	85.2%	83.8%	100.0%	0.0%	0.0%	92.1%	91.0%
3	260,249	14.1%	74.7%	1.6%	5.6%	194,647	14.6%	75.1%	1.4%	5.3%	77.0%	77.2%	100.0%	0.0%	0.0%	96.2%	94.9%
1	266,418	28.4%	45.0%	21.1%	1.2%	202,825	31.5%	45.3%	18.0%	1.4%	47.1%	47.0%	100.0%	0.0%	0.0%	84.3%	80.5%
5	271,314	63.4%	18.3%	3.9%	9.1%	213,105	66.1%	17.4%	3.4%	8.9%	20.0%	18.5%	100.0%	0.0%	0.0%	60.6%	60.5%
4	268,307	69.2%	16.6%	5.9%	2.4%	211,990	72.2%	15.5%	5.0%	2.3%	18.5%	16.7%	100.0%	0.0%	0.0%	56.9%	52.3%
12	258,715	78.3%	12.7%	2.9%	1.2%	207,870	81.0%	11.5%	2.3%	1.3%	14.1%	12.4%	24.0%	0.0%	69.2%	50.1%	47.8%
2	271,667	76.9%	9.3%	6.9%	1.8%	201,129	78.2%	9.1%	6.3%	2.0%	10.5%	9.8%	100.0%	0.0%	0.0%	63.5%	62.6%
8	270,122	69.9%	8.9%	3.4%	13.4%	217,039	72.3%	8.9%	3.0%	12.5%	9.9%	9.6%	48.2%	51.8%	0.0%	54.7%	56.2%

Estimated Turnout in Primaries						Primary Turnout Black > White	Estimated Current Voters			Est. Pct. of Electorate by Race and Party				Dem. Primary Pool
Black 2018	White 2018	Other 2018	Black 2022	White 2022	Other 2022		Black	White	Other	Black Dem	White Dem	Black Reps	White Reps	Black > White
87.2%	11.1%	1.7%	86.5%	11.1%	2.4%	Yes	81.4%	13.6%	5.0%	77.3%	10.8%	4.1%	2.8%	Yes
83.5%	13.4%	3.1%	82.2%	13.3%	4.5%	Yes	78.4%	14.3%	7.3%	75.4%	13.8%	3.0%	0.5%	Yes
58.4%	33.5%	8.2%	56.1%	32.4%	11.5%	Yes	49.4%	31.4%	19.2%	46.9%	23.2%	2.5%	8.2%	Yes
22.7%	71.4%	5.9%	22.0%	69.7%	8.3%	No	15.4%	71.4%	13.2%	14.6%	38.8%	0.8%	32.6%	No
19.8%	75.9%	4.3%	19.3%	74.6%	6.1%	No	13.0%	77.7%	9.3%	12.3%	39.8%	0.6%	37.9%	No
16.7%	78.1%	5.2%	15.3%	78.7%	6.1%	No	9.6%	85.0%	5.5%	9.1%	38.5%	0.5%	46.4%	No
11.8%	83.7%	4.5%	11.4%	82.1%	6.4%	No	7.2%	81.4%	11.4%	6.9%	49.7%	0.4%	31.7%	No
15.8%	77.2%	7.1%	14.8%	76.7%	8.5%	No	6.0%	81.0%	13.0%	5.7%	42.1%	0.3%	38.8%	No

062424_SD_COL_V1 Crane-A1-Wayne+Oakland+Macomb

062424_SD_COL_V1 Crane-A1

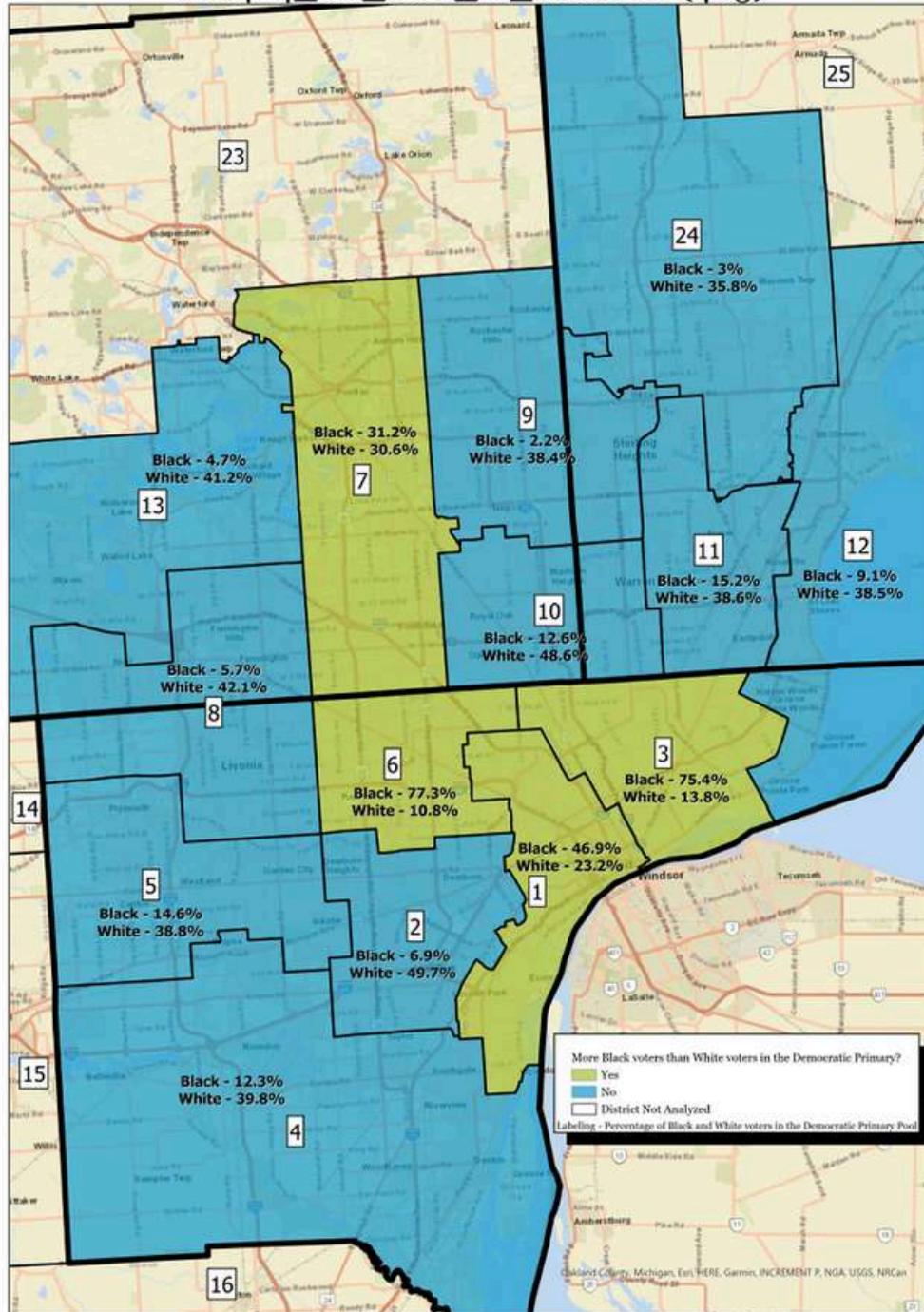
District	Population (2020 Census)					VAP (2020 Census)					AP NH Black %		Percent of Population in County			General Elections	
	Total	White	Black	Hispanic	Asian	Total	White	Black	Hispanic	Asian	Pop	VAP	Wayne	Oakland	Macomb	Dem Comp.	Biden 2020
6	263,550	10.9%	82.6%	2.2%	0.3%	199,124	12.6%	81.6%	1.8%	0.3%	85.2%	83.8%	100.0%	0.0%	0.0%	92.1%	91.0%
3	260,249	14.1%	74.7%	1.6%	5.6%	194,647	14.6%	75.1%	1.4%	5.3%	77.0%	77.2%	100.0%	0.0%	0.0%	96.2%	94.9%
1	266,418	28.4%	45.0%	21.1%	1.2%	202,825	31.5%	45.3%	18.0%	1.4%	47.1%	47.0%	100.0%	0.0%	0.0%	84.3%	80.5%
7	260,872	46.8%	35.9%	7.7%	4.9%	207,372	48.7%	36.1%	6.4%	5.1%	38.0%	37.6%	0.0%	100.0%	0.0%	69.3%	70.9%
11	259,384	67.7%	20.4%	2.6%	4.0%	206,014	71.3%	18.4%	2.2%	3.8%	22.2%	19.4%	0.0%	0.0%	100.0%	57.7%	54.1%
5	271,314	63.4%	18.3%	3.9%	9.1%	213,105	66.1%	17.4%	3.4%	8.9%	20.0%	18.5%	100.0%	0.0%	0.0%	60.6%	60.5%
4	268,307	69.2%	16.6%	5.9%	2.4%	211,990	72.2%	15.5%	5.0%	2.3%	18.5%	16.7%	100.0%	0.0%	0.0%	56.9%	52.3%
10	262,369	69.6%	15.8%	3.2%	6.1%	213,954	72.5%	14.6%	2.8%	5.7%	17.5%	15.7%	0.0%	71.8%	28.2%	67.7%	67.4%
12	258,715	78.3%	12.7%	2.9%	1.2%	207,870	81.0%	11.5%	2.3%	1.3%	14.1%	12.4%	24.0%	0.0%	69.2%	50.1%	47.8%
2	271,667	76.9%	9.3%	6.9%	1.8%	201,129	78.2%	9.1%	6.3%	2.0%	10.5%	9.8%	100.0%	0.0%	0.0%	63.5%	62.6%
8	270,122	69.9%	8.9%	3.4%	13.4%	217,039	72.3%	8.9%	3.0%	12.5%	9.9%	9.6%	48.2%	51.8%	0.0%	54.7%	56.2%
13	261,260	76.5%	7.4%	4.4%	6.9%	207,802	78.5%	7.3%	3.7%	6.7%	8.4%	7.9%	0.0%	100.0%	0.0%	51.1%	51.4%
24	258,723	84.3%	5.3%	3.3%	2.9%	204,277	86.0%	5.2%	2.7%	2.9%	6.2%	5.7%	0.0%	0.0%	100.0%	41.4%	38.5%
9	258,993	70.7%	4.4%	3.7%	17.1%	204,503	73.1%	4.3%	3.1%	16.2%	5.2%	4.8%	0.0%	68.2%	31.8%	49.5%	50.5%

Estimated Turnout in Primaries						Primary Turnout	Estimated Current Voters			Est. Pct. of Electorate by Race and Party				Dem. Primary Pool
Black 2018	White 2018	Other 2018	Black 2022	White 2022	Other 2022	Black > White	Black	White	Other	Black Dems	White Dems	Black Reps	White Reps	Black > White
87.2%	11.1%	1.7%	86.5%	11.1%	2.4%	Yes	81.4%	13.6%	5.0%	77.3%	10.8%	4.1%	2.8%	Yes
83.5%	13.4%	3.1%	82.2%	13.3%	4.5%	Yes	78.4%	14.3%	7.3%	75.4%	13.8%	3.0%	0.5%	Yes
58.4%	33.5%	8.2%	56.1%	32.4%	11.5%	Yes	49.4%	31.4%	19.2%	46.9%	23.2%	2.5%	8.2%	Yes
54.2%	41.1%	4.7%	49.8%	45.0%	5.3%	Yes	32.8%	54.0%	13.2%	31.2%	30.6%	1.6%	23.4%	Yes
24.3%	67.3%	8.4%	21.2%	69.3%	9.5%	No	16.0%	76.2%	7.8%	15.2%	38.6%	0.8%	37.6%	No
22.7%	71.4%	5.9%	22.0%	69.7%	8.3%	No	15.4%	71.4%	13.2%	14.6%	38.8%	0.8%	32.6%	No
19.8%	75.9%	4.3%	19.3%	74.6%	6.1%	No	13.0%	77.7%	9.3%	12.3%	39.8%	0.6%	37.9%	No
23.1%	70.7%	6.2%	20.0%	73.6%	6.4%	No	13.3%	76.5%	10.2%	12.6%	48.6%	0.7%	27.9%	No
16.7%	78.1%	5.2%	15.3%	78.7%	6.1%	No	9.6%	85.0%	5.5%	9.1%	38.5%	0.5%	46.4%	No
11.8%	83.7%	4.5%	11.4%	82.1%	6.4%	No	7.2%	81.4%	11.4%	6.9%	49.7%	0.4%	31.7%	No
15.8%	77.2%	7.1%	14.8%	76.7%	8.5%	No	6.0%	81.0%	13.0%	5.7%	42.1%	0.3%	38.8%	No
13.5%	81.2%	5.3%	11.6%	82.8%	5.6%	No	5.0%	84.5%	10.5%	4.7%	41.2%	0.2%	43.3%	No
7.1%	85.3%	7.6%	6.1%	85.6%	8.3%	No	3.2%	90.3%	6.5%	3.0%	35.8%	0.2%	54.6%	No
7.7%	80.7%	11.6%	6.5%	81.3%	12.2%	No	2.3%	79.2%	18.6%	2.2%	38.4%	0.1%	40.8%	No

VOTING RIGHTS ACT ANALYSIS



Metro Wayne State Senate Voting Rights Act Effectiveness - 062424_SD_COL_v1_Crane A1 (405)



COMMUNITIES OF INTEREST

The Michigan Independent Citizens Redistricting Commission sought to understand Michigan's diverse population and communities of interest via public engagement and feedback opportunities. In total, MICRC received more than 29,000 comments. "(c) Districts shall reflect the state's diverse population and communities of interest."



[Comments on State House Remedial Map Crane A1\).](#)

[Public Comment Portal Comments](#)

[Commission Meeting Comments](#)

PARTISAN FAIRNESS

(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. The Michigan Independent Citizen's Redistricting Commission evaluated partisan fairness using four mathematical models. The adopted map did not provide 'disproportionate advantage' to any political party under any of the models used to measure partisan fairness.



Lopsided Margins

Average Winning Margin	Dem	63.6%
	Rep	58.5%
Finding		
Rep	Districts have a lopsided margin advantage of	
	5.1%	

DISTRICT	Party		Total Votes	Percent Votes		Party Wins	
	Dem	Rep		Dem	Rep	Dem	Rep
1	398,594	73,958	472,552	84.3%	15.7%	84.3%	
2	334,905	192,411	527,316	63.5%	36.5%	63.5%	
3	485,030	19,023	504,053	96.2%	3.8%	96.2%	
4	377,842	285,857	663,699	56.9%	43.1%	56.9%	
5	421,517	274,273	695,790	60.6%	39.4%	60.6%	
6	549,110	47,024	596,134	92.1%	7.9%	92.1%	
7	506,241	224,350	730,591	69.3%	30.7%	69.3%	
8	432,592	358,922	791,514	54.7%	45.3%	54.7%	
9	330,357	336,544	666,901	49.5%	50.5%		50.5%
10	489,153	233,587	722,740	67.7%	32.3%	67.7%	
11	363,181	265,997	629,178	57.7%	42.3%	57.7%	
12	377,442	376,174	753,616	50.1%	49.9%	50.1%	
13	371,822	355,968	727,790	51.1%	48.9%	51.1%	
14	400,639	315,066	715,705	56.0%	44.0%	56.0%	
15	510,924	201,162	712,086	71.8%	28.2%	71.8%	
16	279,425	389,293	668,718	41.8%	58.2%		58.2%
17	232,868	370,932	603,800	38.6%	61.4%		61.4%
18	273,155	394,061	667,216	40.9%	59.1%		59.1%
19	403,682	296,248	699,930	57.7%	42.3%	57.7%	
20	273,901	383,389	657,290	41.7%	58.3%		58.3%
21	406,602	283,291	689,893	58.9%	41.1%	58.9%	
22	304,826	465,968	770,794	39.5%	60.5%		60.5%
23	309,594	479,113	788,707	39.3%	60.7%		60.7%
24	298,259	422,537	720,796	41.4%	58.6%		58.6%
25	266,033	414,274	680,307	39.1%	60.9%		60.9%
26	320,050	396,571	716,621	44.7%	55.3%		55.3%
27	430,316	220,398	650,714	66.1%	33.9%	66.1%	
28	386,600	299,899	686,499	56.3%	43.7%	56.3%	
29	349,832	236,984	586,816	59.6%	40.4%	59.6%	
30	341,671	372,111	713,782	47.9%	52.1%		52.1%
31	260,333	464,375	724,708	35.9%	64.1%		64.1%
32	335,406	327,410	662,816	50.6%	49.4%	50.6%	
33	235,129	406,486	641,615	36.6%	63.4%		63.4%
34	264,140	372,592	636,732	41.5%	58.5%		58.5%
35	385,927	332,185	718,112	53.7%	46.3%	53.7%	
36	287,645	469,674	757,319	38.0%	62.0%		62.0%
37	352,119	444,633	796,752	44.2%	55.8%		55.8%
38	320,157	380,270	700,427	45.7%	54.3%		54.3%

Mean-Median Difference



District Median Percentage	Dem	50.8%
	Rep	49.2%
Statewide mean percentage	Dem	53.7%
	Rep	46.3%
Mean-Median Difference	Dem	2.9%
	Rep	-2.9%
Findings		
Rep	Districts have a mean-median advantage of	
	2.9%	

DISTRICT	Party	
	Dem	Rep
1	84.3%	15.7%
2	63.5%	36.5%
3	96.2%	3.8%
4	56.9%	43.1%
5	60.6%	39.4%
6	92.1%	7.9%
7	69.3%	30.7%
8	54.7%	45.3%
9	49.5%	50.5%
10	67.7%	32.3%
11	57.7%	42.3%
12	50.1%	49.9%
13	51.1%	48.9%
14	56.0%	44.0%
15	71.8%	28.2%
16	41.8%	58.2%
17	38.6%	61.4%
18	40.9%	59.1%
19	57.7%	42.3%
20	41.7%	58.3%
21	58.9%	41.1%
22	39.5%	60.5%
23	39.3%	60.7%
24	41.4%	58.6%
25	39.1%	60.9%
26	44.7%	55.3%
27	66.1%	33.9%
28	56.3%	43.7%
29	59.6%	40.4%
30	47.9%	52.1%
31	35.9%	64.1%
32	50.6%	49.4%
33	36.6%	63.4%
34	41.5%	58.5%
35	53.7%	46.3%
36	38.0%	62.0%
37	44.2%	55.8%
38	45.7%	54.3%

Efficiency Gap



		Total Wasted Votes	% Wasted Votes of Total Votes
Statewide % Wasted Votes	Dem	6,698,247	25.91%
	Rep	6,226,768	24.09%
Finding			
Rep	Candidates have an efficiency gap advantage of		
	1.8%		

DISTRICT	Party		Total Votes	Lost Votes		Minimum to win	Surplus Votes		Total Wasted Votes	
	Dem	Rep		Dem	Rep		Dem	Rep	Dem	Rep
1	398,594	73,958	472,552	0	73,958	236,276	162,318	0	162,318	73,958
2	334,905	192,411	527,316	0	192,411	263,658	71,247	0	71,247	192,411
3	485,030	19,023	504,053	0	19,023	252,027	233,004	0	233,004	19,023
4	377,842	285,857	663,699	0	285,857	331,850	45,993	0	45,993	285,857
5	421,517	274,273	695,790	0	274,273	347,895	73,622	0	73,622	274,273
6	549,110	47,024	596,134	0	47,024	298,067	251,043	0	251,043	47,024
7	506,241	224,350	730,591	0	224,350	365,296	140,946	0	140,946	224,350
8	432,592	358,922	791,514	0	358,922	395,757	36,835	0	36,835	358,922
9	330,357	336,544	666,901	330,357	0	333,451	0	3,094	330,357	3,094
10	489,153	233,587	722,740	0	233,587	361,370	127,783	0	127,783	233,587
11	363,181	265,997	629,178	0	265,997	314,589	48,592	0	48,592	265,997
12	377,442	376,174	753,616	0	376,174	376,808	634	0	634	376,174
13	371,822	355,968	727,790	0	355,968	363,895	7,927	0	7,927	355,968
14	400,639	315,066	715,705	0	315,066	357,853	42,787	0	42,787	315,066
15	510,924	201,162	712,086	0	201,162	356,043	154,881	0	154,881	201,162
16	279,425	389,293	668,718	279,425	0	334,359	0	54,934	279,425	54,934
17	232,868	370,932	603,800	232,868	0	301,900	0	69,032	232,868	69,032
18	273,155	394,061	667,216	273,155	0	333,608	0	60,453	273,155	60,453
19	403,682	296,248	699,930	0	296,248	349,965	53,717	0	53,717	296,248
20	273,901	383,389	657,290	273,901	0	328,645	0	54,744	273,901	54,744
21	406,602	283,291	689,893	0	283,291	344,947	61,656	0	61,656	283,291
22	304,826	465,968	770,794	304,826	0	385,397	0	80,571	304,826	80,571
23	309,594	479,113	788,707	309,594	0	394,354	0	84,760	309,594	84,760
24	298,259	422,537	720,796	298,259	0	360,398	0	62,139	298,259	62,139
25	266,033	414,274	680,307	266,033	0	340,154	0	74,121	266,033	74,121
26	320,050	396,571	716,621	320,050	0	358,311	0	38,261	320,050	38,261
27	430,316	220,398	650,714	0	220,398	325,357	104,959	0	104,959	220,398
28	386,600	299,899	686,499	0	299,899	343,250	43,351	0	43,351	299,899
29	349,832	236,984	586,816	0	236,984	293,408	56,424	0	56,424	236,984
30	341,671	372,111	713,782	341,671	0	356,891	0	15,220	341,671	15,220
31	260,333	464,375	724,708	260,333	0	362,354	0	102,021	260,333	102,021
32	335,406	327,410	662,816	0	327,410	331,408	3,998	0	3,998	327,410
33	235,129	406,486	641,615	235,129	0	320,808	0	85,679	235,129	85,679
34	264,140	372,592	636,732	264,140	0	318,366	0	54,226	264,140	54,226
35	385,927	332,185	718,112	0	332,185	359,056	26,871	0	26,871	332,185
36	287,645	469,674	757,319	287,645	0	378,660	0	91,015	287,645	91,015
37	352,119	444,633	796,752	352,119	0	398,376	0	46,257	352,119	46,257
38	320,157	380,270	700,427	320,157	0	350,214	0	30,057	320,157	30,057

Seats to Votes Ratio



	Vote Share	Count of Seats	Seat Share	Proportionality Bias
Dem	52.9%	21	55.3%	2.4%
Rep	47.1%	17	44.7%	-2.4%

DISTRICT	Composite Score			
	Dem	Dem %	Rep	Rep %
1	398,594	84.3%	73,958	15.7%
2	334,905	63.5%	192,411	36.5%
3	485,030	96.2%	19,023	3.8%
4	377,842	56.9%	285,857	43.1%
5	421,517	60.6%	274,273	39.4%
6	549,110	92.1%	47,024	7.9%
7	506,241	69.3%	224,350	30.7%
8	432,592	54.7%	358,922	45.3%
9	330,357	49.5%	336,544	50.5%
10	489,153	67.7%	233,587	32.3%
11	363,181	57.7%	265,997	42.3%
12	377,442	50.1%	376,174	49.9%
13	371,822	51.1%	355,968	48.9%
14	400,639	56.0%	315,066	44.0%
15	510,924	71.8%	201,162	28.2%
16	279,425	41.8%	389,293	58.2%
17	232,868	38.6%	370,932	61.4%
18	273,155	40.9%	394,061	59.1%
19	403,682	57.7%	296,248	42.3%
20	273,901	41.7%	383,389	58.3%
21	406,602	58.9%	283,291	41.1%
22	304,826	39.5%	465,968	60.5%
23	309,594	39.3%	479,113	60.7%
24	298,259	41.4%	422,537	58.6%
25	266,033	39.1%	414,274	60.9%
26	320,050	44.7%	396,571	55.3%
27	430,316	66.1%	220,398	33.9%
28	386,600	56.3%	299,899	43.7%
29	349,832	59.6%	236,984	40.4%
30	341,671	47.9%	372,111	52.1%
31	260,333	35.9%	464,375	64.1%
32	335,406	50.6%	327,410	49.4%
33	235,129	36.6%	406,486	63.4%
34	264,140	41.5%	372,592	58.5%
35	385,927	53.7%	332,185	46.3%
36	287,645	38.0%	469,674	62.0%
37	352,119	44.2%	444,633	55.8%
38	320,157	45.7%	380,270	54.3%

Autobound EDGE - Compactness Report

Plan Name: State Senate:062424_SD_COL_V1 Crane A1



[For more information on compactness calculations Click Here](#)

District	District Area (SQM)	Perimeter(Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
Compactness measure: Polsby-Popper					
1	62	50	200	28	0.31
2	60	40	126	27	0.47
3	65	39	121	29	0.54
4	253	83	550	56	0.46
5	86	48	185	33	0.47
6	50	36	102	25	0.49
7	115	56	249	38	0.46
8	109	52	212	37	0.51
9	97	52	214	35	0.45
10	58	33	88	27	0.66
11	57	39	119	27	0.48
12	306	89	629	62	0.49
13	183	75	450	48	0.41
14	966	165	2,158	110	0.45
15	406	122	1,186	71	0.34
16	1,797	223	3,954	150	0.45
17	3,507	419	13,972	210	0.25
18	1,589	244	4,740	141	0.34
19	543	108	924	83	0.59
20	1,890	318	8,068	154	0.23
21	887	134	1,426	106	0.62
22	874	133	1,416	105	0.62
23	589	125	1,247	86	0.47
24	193	74	441	49	0.44
25	5,020	353	9,894	251	0.51
26	1,701	269	5,763	146	0.30
27	288	84	555	60	0.52
28	1,119	169	2,266	119	0.49
29	77	41	133	31	0.58
30	360	112	994	67	0.36
31	2,499	227	4,100	177	0.61
32	5,788	347	9,573	270	0.60
33	2,924	333	8,827	192	0.33
34	4,334	354	9,974	233	0.43
35	767	137	1,502	98	0.51
36	14,061	615	30,128	420	0.47
37	9,836	613	29,891	352	0.33
38	33,196	943	70,771	646	0.47

Most Compact:0.66 For District: 10

Least Compact:0.23 For District: 20

Compactness measure: Schwartzberg

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Autobound EDGE - Compactness Report



Plan Name: State Senate:062424_SD_COL_V1 Crane A1

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District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
1	62	50	200	28	0.56
2	60	40	126	27	0.69
3	65	39	121	29	0.74
4	253	83	550	56	0.68
5	86	48	185	33	0.68
6	50	36	102	25	0.70
7	115	56	249	38	0.68
8	109	52	212	37	0.72
9	97	52	214	35	0.67
10	58	33	88	27	0.81
11	57	39	119	27	0.70
12	306	89	629	62	0.70
13	183	75	450	48	0.64
14	966	165	2,158	110	0.67
15	406	122	1,186	71	0.59
16	1,797	223	3,954	150	0.67
17	3,507	419	13,972	210	0.50
18	1,589	244	4,740	141	0.58
19	543	108	924	83	0.77
20	1,890	318	8,068	154	0.48
21	887	134	1,426	106	0.79
22	874	133	1,416	105	0.79
23	589	125	1,247	86	0.69
24	193	74	441	49	0.66
25	5,020	353	9,894	251	0.71
26	1,701	269	5,763	146	0.54
27	288	84	555	60	0.72
28	1,119	169	2,266	119	0.70
29	77	41	133	31	0.76
30	360	112	994	67	0.60
31	2,499	227	4,100	177	0.78
32	5,788	347	9,573	270	0.78
33	2,924	333	8,827	192	0.58
34	4,334	354	9,974	233	0.66
35	767	137	1,502	98	0.71
36	14,061	615	30,128	420	0.68
37	9,836	613	29,891	352	0.57
38	33,196	943	70,771	646	0.68

Most Compact:0.81 For District: 10

Least Compact:0.48 For District: 20

Compactness measure: Reock Score

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
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Autobound EDGE - Compactness Report

Plan Name: State Senate:062424_SD_COL_V1 Crane A1

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1	2	62	60	65	50	40	200	28	0.29
3	4	253	86	39	83	126	126	27	0.53
5	6	50	115	48	36	121	121	29	0.50
7	8	109	97	56	52	550	550	56	0.47
9	10	58	57	52	33	185	185	33	0.45
11		306	183	39	89	102	102	25	0.55
12		966	406	75		249	249	38	0.37
13		1,797		165		212	212	37	0.57
14		3,507		122		214	88	35	0.54
15		1,589		223		119	119	27	0.58
16		543		419		629	629	27	0.44
17		1,890		244		450	450	62	0.42
18		887	874	108		2,158	2,158	48	0.43
19		589	193	318		1,186	1,186	110	0.35
20		5,020		134		3,954	3,954	71	0.41
21		1,701		133		13,972	13,972	150	0.32
22		288		125		4,740	4,740	210	0.22
23		1,119	77	74		924	924	141	0.41
24		360		353		8,068	8,068	83	0.57
25		2,499		269		1,426	1,426	154	0.30
26		5,788		84		1,416	1,416	106	0.49
27		2,924		169		1,247	1,247	105	0.51
28		4,334		41		441	441	86	0.39
29		767		112		9,894	9,894	49	0.42
30		14,061		227		5,763	5,763	251	0.53
31		9,836		347		555	555	146	0.39
32		33,196		333		2,266	2,266	60	0.56
33				354		133	133	119	0.52
34				137		994	994	31	0.57
35				615		4,100	4,100	67	0.37
36				613		9,573	9,573	177	0.60
37				943		8,827	8,827	270	0.43
38						9,974	9,974	192	0.29
						1,502	1,502	233	0.50
						30,128	30,128	98	0.58
						29,891	29,891	420	0.49
						70,771	70,771	352	0.38
								646	0.51

Most Compact:0.6 For District: 31

Least Compact:0.22 For District: 17

Compactness measure: Length-Width

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
1	62	50	200	28	0.73
2	60	40	126	27	1.29

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Autobound EDGE - Compactness Report

Plan Name: State Senate:062424_SD_COL_V1 Crane A1

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3	4	65	253	39	83	121	29	1.84	
5	6	86	50	48	36	550	56	1.59	
7	8	115	109	56	52	185	33	1.94	
9	10	97	58	57	52	33	102	25	1.68
11		306	183	39	89	249	38	0.70	
12		966	406	75		212	37	1.37	
13		1,797		165		214	88	35	1.24
14		3,507		122		119		27	1.83
15		1,589		223		629		27	0.78
16		543		419		450		62	1.19
17		1,890		244		2,158		48	1.45
18		887	874	108		1,186		110	2.90
19		589	193	318		3,954		71	1.65
20		5,020		134		13,972		150	4.04
21		1,701		133		4,740		210	3.60
22		288		125		924		141	1.00
23		1,119	77	74		8,068		83	1.65
24		360		353		1,426		154	1.74
25		2,499		269		1,416		106	2.34
26		5,788		84		1,247		105	1.55
27		2,924		169		441		86	1.87
28		4,334		41		9,894		49	0.74
29		767		112		5,763		251	1.05
30		14,061		227		555		146	1.69
31		9,836		347		2,266		60	1.35
32		33,196		333		133		119	1.71
33				354		994		31	2.01
34				137		4,100		67	2.05
35				615		9,573		177	1.88
36				613		8,827		270	0.80
37				943		9,974		192	0.87
38						1,502		233	1.55
						30,128		98	1.27
						29,891		420	1.87
						70,771		352	1.63
								646	1.87

Most Compact:4.04 For District: 16

Least Compact:0.7 For District: 7

Compactness measure: Convex Hull

District	District Area (SQM)	Perimeter (Miles)	Area of Circle with Same Perimeter	Perimeter of Circle with Same Area	Compactness Value
1	62	50	200	28	0.66
2	60	40	126	27	0.85
3	65	39	121	29	0.87
4	253	83	550	56	0.83

Report Date:6/24/2024 10:45:48 PM

Autobound EDGE - Compactness Report

Plan Name: State Senate:062424_SD_COL_V1 Crane A1

[For more information on compactness calculations Click Here](#)



5	6	86	50	48	36	185	33	0.83	
7	8	115	109	56	52	102	25	0.85	
9	10	97	58	57	52	33	249	38	0.82
11		306	183	39	89	212	37	0.84	
12		966	406	75		214	88	35	0.85
13		1,797		165		119		27	0.93
14		3,507		122		629		27	0.82
15		1,589		223		450		62	0.86
16		543		419		2,158		48	0.79
17		1,890		244		1,186		110	0.91
18		887	874	108		3,954		71	0.77
19		589	193	318		13,972		150	0.94
20		5,020		134		4,740		210	0.64
21		1,701		133		924		141	0.71
22		288		125		8,068		83	0.86
23		1,119	77	74		1,426		154	0.62
24		360		353		1,416		106	0.96
25		2,499		269		1,247		105	0.89
26		5,788		84		441		86	0.83
27		2,924		169		9,894		49	0.84
28		4,334		41		5,763		251	0.87
29		767		112		555		146	0.70
30		14,061		227		2,266		60	0.95
31		9,836		347		133		119	0.83
32		33,196		333		994		31	0.93
33				354		4,100		67	0.74
34				137		9,573		177	0.90
35				615		8,827		270	0.91
36				613		9,974		192	0.70
37				943		1,502		233	0.78
38						30,128		98	0.80
						29,891		420	0.79
						70,771		352	0.76
								646	0.87

Most Compact:0.96 For District: 21

Least Compact:0.62 For District: 20



APPENDIX

U.S. District Court of Western District of Michigan Opinion and Order

**U.S. District Court of Western District of Michigan Opinion and Order
Approving Remedial House Plan**

**U.S. District Court of Western Michigan Opinion and Order Approving
Remedial Senate Plan**

Core Retention Report—Remedial House Plan, Motown Sound FC E1

Core Retention Report—Remedial Senate Plan, Crane A1

MICRC 2024 Public Comment Analysis Memo #1 Remedial Senate Plan

MICRC 2024 Public Comment Analysis Memo #2 Remedial Senate Plan

2022 Michigan House of Representative Map

2022 Michigan Senate Map

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD AGEE, JR. <i>et al.</i> ,)	
Plaintiffs,)	
)	No. 1:22-cv-272
v.)	
)	Three-Judge Court
JOCELYN BENSON, in her official)	
capacity as the Secretary of State)	
of Michigan, <i>et al.</i> ,)	
Defendants.)	
_____)	

KETHLEDGE, J., delivered the opinion of the court in which MALONEY, J., joined, and NEFF, J., joined in the result. NEFF, J., delivered a separate concurring opinion.

OPINION AND ORDER

KETHLEDGE, Circuit Judge. “Under the Equal Protection Clause, districting maps that sort voters on the basis of race are by their very nature odious.” *Wisconsin Legislature v. Wisconsin Elections Commission*, 595 U.S. 398, 401 (2022) (per curiam) (internal quotation marks omitted). The plaintiffs here are nineteen African-American Detroiters who live in thirteen different Michigan House and Senate districts that each include a portion of Detroit. They contend that—in Michigan’s 2021 redistricting of its state legislative districts—the boundaries of their districts were drawn predominantly on the basis of race. Those district lines were drawn by the newly created Michigan Independent Citizens Redistricting Commission—a body of 13 citizens, chosen at random, who came to their task with no experience in redistricting and no knowledge of election law. But they hired experts to guide them—notably their “voting rights act legal counsel,” Bruce Adelson, and a political scientist, Dr. Lisa Handley, along with their general counsel, Julianne Pastula.

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Legislative redistricting is usually performed by state legislatures, which usually do not create a contemporary record of their every move during that process. But here the Commission did create such a record: every decision they made, every word they spoke, was recorded in real time in a body of transcripts that runs some 10,000 pages. In that respect the record here is unique among redistricting cases litigated in federal court. That record makes clear that the commissioners relied heavily on their experts' advice, particularly with regard to compliance with the federal Voting Rights Act, 52 U.S.C. § 10301. And the record shows, overwhelmingly, that those experts—Adelson, especially—expressly told the commissioners, scores if not hundreds of times, to sort Detroit-area voters into different districts on the basis of race.

Specifically, Adelson and Pastula told the commissioners that, to comply with the Voting Rights Act (“VRA”), they must limit the “black voting age population”—known as “BVAP” in redistricting jargon—to approximately 35-45%. That proposition is without support in the Supreme Court’s VRA caselaw. Yet the record further shows that the commissioners did as their experts said—with great difficulty, and misgivings throughout, and over the vociferous objections of Detroit residents at the time—so that, in the end, the Commission limited the percentages of black voters, in the districts at issue here, to the racial targets their experts had given them. And so—in a city whose African-American population is almost 80%—the BVAPs of every Detroit-area district here, with one exception, fell within 35-45%. The exception was Senate District 11, which has a BVAP of 19.19%; but the record shows that most of the African-American voters in that district were put there to lower the BVAP of an adjacent district to the target range.

The record here shows overwhelmingly—indeed, inescapably—that the Commission drew the boundaries of plaintiffs’ districts predominantly on the basis of race. We hold that those districts were drawn in violation of the Equal Protection Clause of the U.S. Constitution.

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I.

A.

1.

Every ten years, after a federal census mandated by the Constitution, the states redraw their electoral districts “to account for any changes or shifts in population.” U.S. Const. art. I, § 2; *Georgia v. Ashcroft*, 539 U.S. 461, 489 n.2 (2003). State legislatures usually draw the new district lines. *See Rucho v. Common Cause*, 139 S. Ct. 2484, 2495 (2019). Until recently, Michigan was no exception. Following the 2010 decennial census, for instance, the legislature drafted and adopted maps for the state senate and house. In Detroit, where 77.9% of residents are black, these maps included two senate and ten house districts with black-voter populations greater than 50%.

In November 2018, however, Michigan voters approved a state constitutional amendment that vested the power to redraw legislative-district lines in an “Independent Citizens Redistricting Commission” of citizen laypersons. Mich. Const. art. IV, § 6. As amended, the Michigan Constitution required the Commission to “abide by the following criteria in proposing and adopting” new redistricting plans, “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.

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(f) Districts shall reflect consideration of county, city, and township boundaries.

(g) Districts shall be reasonably compact.

Mich. Const. art. IV, § 6(13). (We will refer to these criteria as the “Michigan criteria.”)

In 2020, Secretary of State Jocelyn Benson formed the new Commission by randomly selecting 13 candidates—four Democrats, four Republicans, and five independents—out of a group of more than 9,000 applicants who had expressed an interest in serving on it. Redrawing legislative-district lines (*i.e.*, “redistricting”) is complicated business, both legally and factually. So the Commission began to hire staff, including specialists in mapping software, an executive director, and a general counsel, Julianne Pastula. In September 2020, the Commission began holding meetings; all of them (save one toward the end of the process) were open to the public—and all of them were transcribed.

2.

The Michigan constitution makes compliance with federal law—including the Voting Rights Act and the federal constitution—a categorical imperative in Michigan redistricting. Mich. Const. art. IV, § 6(13)(a). And the federal constitution’s Supremacy Clause, U.S. Const. Art. VI, cl. 2, itself would invalidate any district lines drawn in violation of federal law. *See Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 324 (2015). The Commission, for its part, recognized early on that Michigan’s demographics—particularly Detroit’s heavily concentrated African-American population—would require close attention to the VRA in the redistricting process. As the Supreme Court has put it, § 2 of the VRA requires that—when a minority group is large and compact enough to elect its preferred candidates, as black voters obviously are in Detroit—those voters cannot be broken up and “submerged in a larger white voting population” that usually defeats the minority group’s preferred candidates. *Cooper v. Harris*, 581 U.S. 285, 301-02 (2017)

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(cleaned up). Separately, the federal Equal Protection Clause bars a state—absent an extremely good reason—from “separating its citizens into different voting districts on the basis of race.”

Bethune-Hill v. Virginia State Bd. of Elections, 580 U.S. 178, 187 (2017) (cleaned up).

In February 2021, the Commission held a hearing in which it heard from practitioners of federal election law. Among them was Leah Aden of the NAACP Legal Defense Fund, who warned that partisan justifications might be used to break up majority-black legislative districts:

[Y]ou’re going to hear people say vote dilution is not happening. This is about party. This is not about race You’re also going to hear we can’t create this geographically compact minority community. . . . And I want it to be in your head that if minority voters are harmed to achieve partisan power or partisan power is an excuse to harm minority voters, each of those can run afoul of the Constitution and the voting rights act.

MICRC Tr. at 2102.

The Commission also heard from David Becker, formerly of the Department of Justice’s Civil Rights Division. By way of background, as a practical matter, in “safe” Democratic districts—like districts in and around Detroit—the dispositive election is the Democratic primary, not the general election; for whoever wins the primary will win the general. (The same dynamic holds, of course, for safe Republican seats.) Whether black voters in Democratic districts can elect their preferred candidates, therefore, depends on whether those candidates can win the Democratic primary elections. Becker therefore urged the Commission as follows:

Another thing I really want to stress to you it’s really going to be important to look at primary election results. It’s not just going to be about general elections. As we know there are places in every state, certainly Michigan, where the outcome of the primary is determinative of the general election. . . . And in those places, you have to look at primary elections.

Id. at 2106.

Later, the Commission retained Dr. Lisa Handley, an expert in analyzing voting data for purposes of compliance with the VRA. The Commission also retained Bruce Adelson as its

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“voting rights act legal counsel.” Adelson began practicing law in 1984, worked in the Department of Justice from 2000 to 2006, and was counsel to the Arizona redistricting commission in 2011.

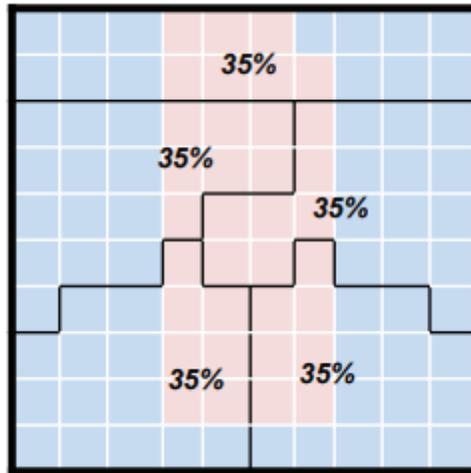
B.

The Michigan constitution required the Commission to draft and approve legislative maps no later than November 1, 2021. Mich. Const. art. IV, § 6(7). But the COVID-19 pandemic delayed the Census Bureau’s release of its 2020 census data; and so the Commission did not begin any drafting until August 2021, when that data arrived.

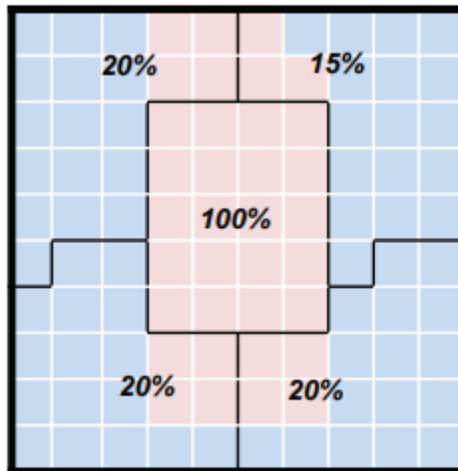
1.

The Commission’s September 2, 2021 meeting. This meeting set the course for a great deal of what followed in the next two months. During this meeting, Handley and Adelson alike sought to advise the Commission about the VRA’s requirements. Handley addressed the commissioners first, and went through a power-point presentation in which she said that “redistricting plans cannot crack or pack a geographically concentrated minority community across districts or within a district in a manner than dilutes their voting strength.” *See* Def.’s Ex. 48 at 3. Cracking occurs when a racial group’s members are dispersed “into districts in which they constitute an ineffective minority of voters.” *Cooper*, 581 U.S. at 292 (cleaned up). As an example of unlawful “cracking,” Handley cited (ironically enough, given what shortly followed) the example of a compact racial group that had been broken into five districts, in each of which the group’s members constituted only 35% of the district’s voters:

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See Def.’s Ex. 48 at 3. As an example of unlawful “packing,” Handley offered the example of the same compact racial group—this time packed into a district where it constitutes 100% of voters, thereby denying the group potential majorities in two other districts:



Id. Rather than crack or pack districts with large numbers of minority voters, Handley said, the Commission should draw districts that “provide minority voters with the opportunity to elect their candidates of choice.” MICRC Tr. at 5383-84. To do otherwise—in areas (like Detroit) where minority voters had previously succeeded in electing their preferred candidates—would likely

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violate the VRA. *Id.* at 5378-86. Handley therefore sought to identify the BVAP necessary for black voters to have that “opportunity.” *Id.* at 5384.

That number in part depended on the percentage of white voters, in particular districts, who vote as a “bloc”—meaning they usually prefer white-preferred candidates over black-preferred ones—as opposed to white voters who “cross over” to support black-preferred candidates. *Id.* at 5379, 5384. The greater the white-bloc voting, the higher the BVAP necessary for black voters to elect their preferred candidates; and the greater the “white crossover” voting, the lower the BVAP necessary to elect black-preferred candidates.

Handley’s role in advising the Commission was to analyze election data and then to determine, for different districts, what those necessary black-voter percentages might be. To that end, as relevant here, Handley said she had analyzed the election results in two counties—Wayne (which includes Detroit) and Oakland—for 14 statewide elections in Michigan since 2012 (e.g., the presidential elections in 2016 and 2020). (Handley did not analyze any election results for Macomb County because black voters are scarce there.) But only one of Handley’s 14 elections, the 2018 Democratic gubernatorial primary, was a primary election—which, as the DOJ’s David Becker had explained, is the election that determines the winning candidate for “safe” seats. *Id.* at 5381. And that primary election played no role in Handley’s analysis because black voters had not shown any clear preference in it. *See* R.108 at PageID 3287. Meanwhile, the other 13 elections that Handley analyzed were all general elections—in which voters (black or white) affiliated with the same party usually vote for the same candidate, regardless of what their preferences might have been in the primary. MICRC Tr. at 5381-82.

Based only on that general-election data, however, Handley told the Commission that it need not create majority-black districts in order to comply with the VRA. Instead—without any

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mention of the differences between primary and general elections in Detroit-area districts— Handley said that black voters in Oakland and Wayne counties could consistently elect their preferred candidate in districts with BVAPs as low as 35 and 40%:

In Oakland County, 35% is going to work. 40 percent looks like it might work. In Wayne County where we have a lot more white crossover vote 35% might well work. I'm not advocating that you draw the districts at this amount. I'm advocating that you keep in mind that the districts do not have to be majority-minority in composition[.]

Id. at 5386.

Bruce Adelson then addressed the Commission—and he did advocate, then and ever after, that the Commission “draw the districts” at the BVAPs that Handley had specified. Adelson said that Handley’s analysis would be “very crucial” and “very important” “going forward for the Commission[.]” *Id.* at 5389. He added:

But to the point about packing, remember that the [sic] if a district can be established through analysis to be able to elect candidates of choice of the minority community at, let’s say 40%, if you add on population to that, the courts constitute that as packing.

A commissioner asked, “how do we ensure that we don’t unpack it and then it becomes cracked? And therefore, we are not in compliance in the other direction? How do we ensure that?”

Id. at 5390. Handley responded:

you look at the recompiled election results to make sure that the districts you have drawn are effective minority districts. So those four contests I mentioned earlier as bellwether contests [namely, the 2012 U.S. presidential, the 2014 secretary of state, the 2018 gubernatorial, and 2020 U.S. presidential general elections] will be in the redistricting package and as you draw . . . you can hit the button that will tell you how those candidates are doing in the proposed district.

Id. The “recompiled election results” to which Handley referred, however, came from the general elections she had analyzed. The “button” for measuring how black-preferred candidates “are doing

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in the proposed districts,” therefore, would measure their success only in general elections, not Democratic primaries.

General Counsel Pastula added that “Dr. Handley’s analysis and her findings and Mr. Adelson’s conclusions he is able to draw from those findings will certainly impact the [Commission’s] critical work going forward in redistricting.” *Id.* at 5391. And software consultant Kim Brace told the Commission about another piece of information that would be available to them throughout the districting process: “when you draw you will have the racial percentages on the districts as they are being created so you will see what is the racial characteristics of the District.” *Id.* at 5393.

2.

Map-drawing begins. About a week later, the Commission began drawing Detroit-area senate districts. At first, the Commission focused on a variety of the Michigan criteria when mapping, including communities of interest (or “COIs”). For example, Commissioner Rebecca Szetela expressed concerns about the “complex demands of COIs” around Hamtramck including the “Latin X community” and the “environmental concerns” common to communities in southwest Detroit. *Id.* at 5672. And Commissioner Anthony Eid recommended keeping together several communities near where he had grown up. *Id.* at 5675. But the Commission was also worried about “packing” black voters—as its experts had recently defined that term—into districts. On September 9, Commissioner MC Rothhorn asked the mapping specialists to pull up the “layer with the dots that allow[] you to see the racial composition of the areas.” *Id.* at 5676. Adelson concurred, since they were then mapping in “one of the counties that Dr. Handley analyzed to say there is racially polarized voting, I think we need to have the dots.” *Id.* at 5677.

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The Commission soon began to wrestle with the tension between preserving communities of interest, on the one hand, and what they understood—again, based on what their experts had told them—as “VRA compliance,” on the other. On September 13, for example, Rothhorn asked the other commissioners to “watch those numbers [*i.e.*, racial percentages] as we add districts.” *Id.* at 5733. Eid acknowledged the difficulty of drawing districts in an area with a “very large minority population,” and said, “I don’t know a way to get around it unless we start drawing these districts into the suburbs.” *Id.* Likewise, Commissioner Douglas Clark said that “the only way to resolve that is to go into the suburbs but that is not what the people want. . . That is what I heard in the two town halls or public hearings we had in Detroit.” *Id.* General Counsel Pastula responded:

The districts . . . do not appear to be able to be unpacked unless you go in the suburbs. . . . And while I certainly acknowledge and respect the public comment received, the Voting Rights Act being the first criteria is going to need to be respected and adhered to.

Id. at 5734.

Later, Commissioner Szetela echoed this advice. Clark had emphasized that residents of some Detroit neighborhoods near Grosse Pointe—a wealthy, mostly white city next door—had said specifically “during the hearings that they don’t want to be associated with Grosse Pointe because all the money tends to or all the influence tends to flow to Grosse Pointe because they have more money.” *Id.* at 5747. Szetela responded that “I’m trying to balance the Voting Rights Act” against those concerns “because [the] Voting Rights Act is our number one” criterion and “I don’t want to have a super concentrated District.” *Id.* When she finished drawing, she told the Commission to look “at the percentages of African/Americans in District 8. It’s just below 50% so it’s still a minority majority District based on Dr. Handley’s reporting but it’s not packing people in which is exactly what I was trying to accomplish.” *Id.* at 5748.

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Later in the same meeting, Rothhorn told Clark to use the racial-dots tool while mapping because “this is another VRA area and we may want to be aware of the Black white” population. *Id.* at 5765. At the end of the day on September 13, the Commission saved a draft senate map (Draft Map 162) that included three majority-minority districts. As relevant here, the districts that became Senate Districts 1, 3, 6, 8, 10, and 11 had the following BVAPs:

District No.		1	3	6	8	10	11
	Date	BVAP	BVAP	BVAP	BVAP	BVAP	BVAP
Senate Map Plan 162	9/13/2021	10.98	50.82	76.56	63.77	18.1	7.8

That evening, Pastula sent Szetela—who had just been elected Chair of the Commission—an email in which she expressed “Significant Concerns” that she and Adelson shared about that day’s mapping session. Specifically, Pastula told Szetela:

Bruce [Adelson] and I are very concerned and alarmed about the drafting of the packed districts that is occurring during today’s mapping session. While the work is preliminary and future steps can be taken to remediate—this will become much more difficult the more packed districts that are drawn. In addition to not being able to justify the numbers coming out of today to a court, these drafts also create expectations on behalf of the public that will also be difficult to address moving forward.

Pl.’s Ex. 5 at 45. Pastula added that it would be “critical” for the Commission to use the bellwether-elections tool in the “areas where the VRA was implicated,” and that the “Commission is running out of time and [has] an enormous amount of work to do.” *Id.*

The next morning, the mapping specialists installed the “bellwether-elections” tool and taught the Commission how to use it. *See* MICRC Tr. at 5803-05. Adelson then went into a long monologue in which he emphasized the following:

One of the things that I would strongly advise and something that we will be talking a lot about over the next couple of weeks is really study and internalize, Lisa

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Handley's, Dr. Handley's PowerPoint. . . . I have read her Power Point virtually every day for the last few weeks. . . .

Packing means adding or including additional minority voters [beyond] the ones needed to elect what we call candidates of choice. . . .

So look at the percentages here [in Handley's presentation]. Black VAP and percent of the vote and you kind of get a sense of [sic] to highlight in a real way and again going back to the vitality of Dr. Handley's PowerPoint how the districts are created and how many people from which backgrounds are included. . . .

And what I would suggest in moving forward in the areas where you are now, typically aim for Black populations in the 40-45% range. It's a rough estimate. . . . [A]nd remember that the aim, *the requirement of the law is to avoid packing minorities into districts above and beyond the percentage at which analysis [meaning Handley's analysis] is determined they need to elect candidates of choice.*

Id. at 5810-12 (emphasis added).

Over the next two days, the Commission tried to “unpack” Detroit's majority-black districts. For example, Commissioner Brittni Kellom—herself a Detroiter—said she was “thinking about utilizing Bruce to look at the Metro Detroit area and kind of unpack.” *Id.* at 5825. Adelson responded that she should “remember Dr. Handley's analysis” because “there is good general white cross over support in Wayne County.” *Id.* at 5826. He also said the 36% black-voter population in a draft district was “close to the line” and “I always like to be cautious and not do it exactly 35%, 36% right on the nose. I like to build in a little bit of a cushion.” *Id.* Clark advised Kellom to follow a road boundary while drafting, because that would help to “dilute the Black population.” *Id.* at 5842. Later, as Commissioner Cynthia Orton drafted districts in western Detroit, Adelson said that “District 13 is 71% over all minority and 62% Black population. So I would suggest that all will need to be looked at as well.” *Id.* at 5871. Chair Szetela suggested drawing in Detroit narrowly, “like a spoke coming out” from downtown, so that the Commission could “balance” and “get rid of the highly concentrated [African-American] districts.” *Id.* at 5872.

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On September 15, Rothhorn imitated the “spoke” concept and explained that he was trying to “decrease the minority percentage [] to have a more balanced Black-white ratio.” *Id.* at 5896-5902. The Commission also began to employ the bellwether-elections tool to see whether black-preferred candidates would prevail in the draft districts—which they always did, because the tool measured the success of Democratic candidates in general elections for Democratic safe seats. *See, e.g., id.* at 5876.

Yet some commissioners expressed concern with the way they were drawing maps. Commissioner Juanita Curry—who was herself from Detroit—said, “I’m just a little off on keeping some places whole and some places not For instance like Detroit we split it up some.” Szetela responded that Adelson had directed the Commission to split up the city to comply with the VRA:

[W]e specifically split up Detroit because our expert, Bruce Adelson had—was uncomfortable with the districts we originally came up with because they were highly concentrated African/American communities to the point where he said that it would likely violate the [VRA]. And so he had indicated that we should try to get those percentages down to maybe 40% African/American population.

Id. at 5937.

By September 15, the Commission had completed its first full senate map (Draft Map 165) which reduced the number of black-majority districts in Detroit from three to two:

District No.		1	3	6	8	10	11
	Date	BVAP	BVAP	BVAP	BVAP	BVAP	BVAP
Senate Map Plan 162	9/13/2021	10.98	50.82	76.56	63.77	18.1	7.8
Senate Map Plan 165	9/15/2021	34.86	44.87	51.99	59.06	49.38	11.02

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Mapping continues. Beginning five days later, from September 20 to 28, the Commission drafted its initial Detroit-area house map. Adelson reiterated at the outset that “[a]ny district that has majority-minority VAP I think you should aim to let’s see what we can do to kind of potentially unpack that based on Dr. Handley’s analysis. . . . Because just as Dr. Handley said if you can elect [at] 35%, 40% then why would you add 40, 50% minority population?” *Id.* at 6204. Yet the Commission struggled to do what Adelson said. Commissioner Eid, for instance, said, “So I’m just trying to think about how we are going to do this because I mean the population density [of] African/Americans is so high in Detroit it’s probably going to cause a problem with packing unless we have some districts that people may view as oddly shaped[.]” *Id.* at 6205. Szetela agreed: “I don[’t] really know what to do because the Senate districts you saw we sort of stretched them out and I don’t know how to do it with House Districts and I don’t know how we can avoid having house [districts] that are going to be like 75, 85% African/American[.]” *Id.* at 6205-06.

Rothhorn—who had just been elected Vice Chair—then began mapping the area that became House District 1 in southwest Detroit. At first he drew boundaries based on communities of interest, such as “Greektown” and the “Latin X community[.]” *Id.* at 6210-12. But Rothhorn checked the draft district’s racial percentages continually as he drew. *Id.* at 6213. Then Szetela drew what became House District 2—which had a “Bengali community” that she did not “want to split[.]” *Id.* at 6219. But that made the district’s BVAP too high: “now the problem is it’s 77% African/American. I think that’s where the challenge is. So is there anything I can do about that?” *Id.* at 6219. Adelson responded, “I think that [] in exploring the other areas around this District and downtown and greater Detroit there may be other populations that either you could include, you could take some of two and add them to other parts of the City.” *Id.* at 6219. Rothhorn echoed Adelson, telling Szetela “that Hamtramck could be another spoke heading north” and that this

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“will dilute the Black population. I shouldn’t say dilute right. It would be more balanced.” *Id.* at 6220.

Szetela took that advice, and found that “making that change makes a difference. It brings [it] down [] to 54% African/American from where it was.” *Id.* at 6220. Adelson approved, saying the Commission had done:

a substantial job with [the] percentage of the Black population. It kind of shows you that there are ways to approach it. Wherever you find the population east, west or north because I mean you brought it down, I think almost 25% without doing too many adjustments. So I think that you’ll find other ways going forward so that [] with this concept of whether it’s going north or whatever direction I think you will be able to find population to balance the District.

Id. at 6221. Rothhorn noted the map’s new configuration: “Detroit has spokes.” *Id.* at 6222. Szetela finished drawing the district and explained that she tried to “draw a District that is compliant with the Voting Rights Act by not packing the African/American community.” *Id.* at 6223.

The Commission thereafter repeatedly used the racial-dots tool to identify high-density African-American communities and then to dilute them using the spoke method. For example, Szetela and Clark collaborated to draw what became House District 10. Clark feared that “[w]e are going to end up with an African/American population that is going to be pretty significant.” *Id.* at 6410. Szetela recommended “grabbing population” from “the Grosse Pointes[.]” *Id.* at 6411. Clark countered, “that eastern part of Detroit specifically said they don’t want to be part of Grosse Pointe.” *Id.* But Szetela said “we have to remember that VRA is first on our list. And so we have to look at accommodating VRA first. And if that requires Grosse Pointe to do it, I think that is where we need to look first.” *Id.* The Commission then added several Grosse Pointe communities to the map, with Adelson assuring them that “the west of Grosse Pointe park does elect [minority] candidates of choice[.]” *Id.* at 6411-16. But Adelson later said that the BVAP in an adjacent

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district—what became House District 11—was still too high, and that having a “minority population that is so in excess of [Dr. Handley’s] opportunity to elect percentage would be difficult to justify.” *Id.* at 6420, 6426, 6433. Clark adjusted the district lines and explained that “what I’m trying to do is reduce the Black population.” *Id.* at 6434.

Adelson frequently used the bellwether-elections tool to check the Commission’s draft districts for “VRA compliance.” *See, e.g.*, 6454-56, 6467-68, 6474. Vice Chair Rothhorn, for instance, finished drawing what became House District 15 and said that he had been “mostly concerned about vote dilution.” *Id.* at 6440. Adelson then used the bellwether-elections tool and reported that, in the district, “across the board the candidates of choice win.” *Id.* at 6441.

Later, Orton drafted what became House Districts 12 and 13. She initially focused on District 12 and tried to keep certain neighborhoods together, such as Eastpointe and Detroit. *Id.* at 6476. But soon she asked the mapping specialist: “Can we also put on the African/American theme,” i.e., the racial-dots tool. *Id.* Then Orton said, “I don’t think we are going to be able to get up into lower[-percentage] minority areas. So that might be a problem. So it looks to me like in order to try to balance it more racially, we would have to split this into two [districts] and do two spokes up.” *Id.* Commissioner Kellom agreed with that approach. *Id.* Orton then continued drafting. In what became District 12, she retained a precinct because it added “a little more white population in to balance it.” *Id.* at 6479. Adelson again used the bellwether-elections tool to confirm that the district elected African-American candidates of choice “across the board.” *Id.* at 6481.

Rothhorn summarized the Commission’s work—in what became House Districts 12, 13, and 14—as “trying to peel off pieces or create spokes, chutes and ladders to create a, yeah, a more racially balanced District.” *Id.* at 6515. Adelson said the Commission was trying “not to pack

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voters of color, Black voters beyond the point at which they can elect candidates of choice,” but urged the Commission to “please be aware of the terminology” it used to describe its work. *Id.* at 6515-16.

As mapping continued, some commissioners became concerned with how the Commission was breaking up communities of interest to create racially balanced districts. For example, Rothhorn said, “We are being challenged here in our House District and you know with sincere apologies to breaking up a COI but I think we had to do that with Grosse Pointes like we are going to have to make hard choices.” *Id.* at 6573. Orton added, “I’m really uncomfortable with all the communities of interest we are cutting up.” *Id.* Adelson acknowledged those concerns, but said “if you look at those districts that were created, I mean there were some hard choices that were made. And acute awareness of what the imperatives were but you created some districts that right now seem pretty strong. As far as Voting Rights Act issues and maintaining the ability to elect.” *Id.* at 6575. Orton remained concerned: “So my feeling is I’m uncomfortable with the amount of communities and communities of interest that were are splitting up [] from a Voting Rights Act perspective.” *Id.* at 6619. Adelson responded at length:

You know, just this discussion the last couple minutes really shows you know kind of being on the knife’s edge in the sense of that I understand is very clear that you’re weighing, competing considerations. And I think that the issues about communities of interest and keeping sort of communities together are I’ve read a lot of public comments in general and I understand that that is a significant consideration. . . . But I think it is very important from a compliance standpoint to look at the ranked criteria and the number one criteria is the U.S. Constitution and Federal law.

Id. at 6618-19.

On September 23, Commissioner Steven Lett drafted what became House District 26, west of downtown Detroit. He asked for the racial-dots “thematic,” drew the district boundaries, and ended with a black-voter population of 34.5%. *Id.* at 6724, 6726. Rothhorn said that percentage

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was “a little bit low,” but Lett responded that Handley’s report had said districts with those percentages “elected a candidate of choice.” *Id.* at 6727. Adelson interjected that in “Wayne County, the percentage of the vote where a Black candidate would win at 35% VAP. Yes. Wayne County performs in that respect So I think to your point, yes, according to Dr. Handley’s analysis that in Wayne County, Wayne County can elect candidates of choice at 35% VAP.” *Id.* at 6727.

Then came a dissonant note, as Adelson conceded the importance of data from party primaries. He said:

often in areas where there is a propensity to elect minority candidates of choice, the elections are often decided in the primary. Rather than the general. So having primary results to not compare with but to supplement general results is really important. In my experience it’s certainly something I’ve always been able to look at. We had a lot of primary results in Arizona for example. So I think that it is important to have.

Id. at 6729. Orton asked, “will we get that information?” *Id.* But the discussion meandered elsewhere and she did not get an answer.

That same day—September 23—General Counsel Pastula reminded the Commission that “partisan fairness” was another criterion to consider. She explained, though, that “partisan fairness is measured on a statewide plan.” *Id.* at 6712. That meant the Commission could measure partisan fairness only when it finished a statewide plan, rather than as it went along. Nor did the Commission yet have a software tool to evaluate partisan fairness. *See* R.112 at PageID 3675.

In that same meeting, Pastula gave the Commission some more specific BVAP numbers that it should strive to meet: “for Saginaw County looking at notes I have 40% to 45, Genesee was 35-40%. Saginaw is 40% so I wanted to make sure that I updated that from my prior statement. And Oakland County I wrote 42-43% just to be different there but for Saginaw County 40% would be the appropriate measure.” MICRC Tr. at 6768. Orton said that recently she “could not get to

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that threshold of the 35-40% or maybe it was 40% in that County”; Pastula responded that she “would encourage the Commission to do their best efforts at this time.” *Id.*

For the next several days, the Commission almost exclusively mapped outside of Detroit. On September 28, the Commission completed its draft house map and saved it as Draft Map 183. As relevant here, the districts that became House Districts 1, 7, 8, 10, 11, 12, and 14 had the following BVAPs:

District No.		1	7	8	10	11	12	14
	Date	BVAP						
House Map Plan 183	9/28/2021	28.62	79.04	54.09	42.74	65.66	43.74	38.33

4.

September 29 to 30: Revisions to House map. The Commission then revised its initial maps with the aim of what Pastula called “compliance analysis.” *Id.* at 7168. The Commission began with areas outside of Detroit, and discussed making changes based on the Michigan criteria of “communities of interest,” “partisan fairness,” and not favoring incumbents. *Id.* at 7162-63. Adelson then interjected: “I also wanted to make the point that as you recall . . . I believe these were the State House districts in the Wayne County area. That several of them are . . . have the appearance of being packed. And that is something that must be addressed. That is one of the changes I envision.” He added, “I don’t have a list of things . . . [an] inclusive list [that] must be addressed. But the [p]acked districts are [an] absolute.” *Id.* at 7164.

The discussion then returned to mapping outside of Detroit, to different ways of measuring partisan fairness, and to Dr. Handley’s upcoming visit to the Commission—her first since the

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outset of its map-drawing—to give a presentation on partisan fairness. But Adelson again steered the Commission back to “packing” and the VRA:

your legal team agrees that Friday is significant in that Dr. Handley will hopefully be able to present partisan fairness. But it is important and I’m sorry I’m going to speak for you. I will speak in one voice that the legal team strongly believes there are issues in addition of course to the partisan fairness. There are many voting rights issues and just in talking about the packed districts in Wayne County . . . So there are other considerations. Certainly we agree with the partisan fairness and that is significant. But there are other issues.

Id. at 7167.

At this point, the Commission began to revise house districts in the Detroit area, which Szetela called “bacon strip districts,” based on their shapes extending to the northern suburbs. *Id.* at 7194. She then made changes to draft House Districts 14, 15, and 17—west of downtown Detroit—and noted that she had lowered those districts’ BVAPs: “So you can see that [District 14] dropped from 74% African American to 61 . . . And then 15 dropped from 62.7 to 50.2. And 17 dropped from 69.29 to 56.4.” *Id.* at 7198. Adelson responded that the “percentages are still higher than Dr. Handley’s analysis but I think that is a good start to adjusting and to be more in line with her racially polarized voting analysis and the ability to elect. So while . . . the Black population is still higher than her analysis determined it is still significantly improved from what it had been previously.” *Id.* Rothhorn asked, “Do we need to look at the election results?” *Id.* at 7199. Adelson responded, “as far as the election results, as I recall these districts all proved out pretty well. I think that I would recommend focusing on percentages and comparing them to Dr. Handley’s [BVAP] percentages for Wayne County which as I recall is 35-40%[.]” *Id.* He added that the Wayne County districts required “additional tinkering” which “is going to impact commenters’ preferences on keeping communities whole.” *Id.* “But,” he reminded them, “the

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Voting Rights Act is the number one criterion together with the one person one vote in the U.S. Constitution.” *Id.*

The Commission followed Adelson’s guidance, concluding that the only way to reach the BVAPs in Handley’s report was to continue to stretch districts into predominately white suburbs. *Id.* at 7199-7200. For several Wayne County house districts Rothhorn suggested changes that would “better comply with [the] VRA bringing down the Black voting age population to a range that is closer to 40%.” *Id.* at 7201. Adelson approved, saying the Commission was “figuring out the percentages [corresponding] with Dr. Handley’s analysis.” *Id.* at 7202.

Again, however, some commissioners raised concerns about the lengths they had gone toward that end. For example, Commissioner Dustin Witjes asked, “Looking at the districts we have, how much thinner can they get and how much further can they exten[d] out before they are one precinct or one actual voting precinct wide?” *Id.* at 7219. Commissioner Orton then expressed that she thought the house map was already “VRA compliant” in Detroit and that they should “pay attention to communities of interest” going forward. *Id.* at 7222. Commissioner Janice Vallette agreed. *Id.* at 7222-23. But Adelson said that the district that became House District 11 had a “64% non-Hispanic Black voting age population” and that the BVAP for what became House District 7 was “almost 77% non-Hispanic Black voting age population . . . these numbers are well in [ex]cess of what Dr. Handley analyzed. And in [ex]cess of what I’ve advised the Commission.” *Id.* at 7223. Pastula agreed and “strongly encourage[d]” the Commission to “start fixing them.” *Id.* at 7224.

But Commissioner Rhonda Lange was still focused on communities of interest. Specifically, she said, “I understand VRA []comes above other criteria but we have a criteria of community of interest so if we receive input of community of interest that says they absolutely do

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not want to be split and that drives up the African/American population, then is there leeway in that VRA because we are accommodating for a community of interest which is also part of our state Constitution?” *Id.* at 7225. Adelson responded:

your question goes right to the core of one aspect of redistricting there are competing values and there will be people who may be satisfied or not satisfied. But the bottom line is that if keeping communities of interest, not splitting them, having them implicates the packing of minority voters, the dilution of minority voters then the number one criteria is the Federal criteria . . . the bottom line is the Federal criteria are the absolute priority. And there may be communities of interest that are not able to be included in certain districts because they implicate Voting Rights Act problems.

Id. at 7225.

Pastula then recommended that the Commission identify any district “that is higher than 40% for the Black voting age population[,]” so that “those quote unquote fixes can be dealt with and then this map can be ready for the partisan fairness analysis. . . . I would recommend that anything with higher than 40% Black voting age population be looked at.” *Id.* at 7226-27. Szetela said, “I think what she is suggesting [is] we just go down the districts one by one and anything that is over 40% look if we can rebalance it.” *Id.* at 7228. Orton said, “this is a densely populated minority population City so does that mean anything above 40% is not VRA compliant?” *Id.* at 7229. Szetela said, “Commissioner Lange, that is my understanding of what we are looking for is we are trying to bring things down to 35-40%[.]” *Id.* Pastula then referenced Dr. Handley’s report and again offered concrete guidance: “the range for Detroit was 35-40%, Oakland County was above 40%. So it’s based on the area you were in, that is why, that’s why . . . I flagged the 40%.” *Id.* at 7230. She recommended that the Commission could “just make a list and then go back and start fixing them.” *Id.*

The Commission then resumed mapping. It started by revising what later became House Districts 7 and 11 because they had the “highest” black-voter percentages at 76% and 64%,

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respectively. *Id.* at 7232. Commissioner Curry first revised what became District 7, and acknowledged that she needed to “reduce” the black-voter population there to “40, 45” percent. *Id.* at 7234. Curry made adjustments that “took out a lot of African/American population.” *Id.* at 7235. Yet the BVAPs remained high, so Curry determined that the “only way to go is up north” to reduce them. *Id.* at 7239. She did so and reduced the BVAP for that district from “over 75% to about 60%.” *Id.* at 7240. Commissioner Eid said that result was “not perfect but headed in the right direction.” *Id.*

Eid then revised what became House District 11, adding predominately white suburban areas, including Grosse Pointe Woods—which reduced the district’s BVAP from 64% to 53%. *Id.* at 7241. But several commissioners again complained that they had disregarded what the public had said about preserving communities of interest in that area. *Id.* at 7241-42. Commission Orton, for instance, said “I still think we should try and keep the communities of interest together I hate to split them up.” *Id.* at 7242. Eid responded, “I agree with you. And I hate to split them up but I think for this house map I don’t see another way to do it because that is where the white population is around Detroit we need to get [the map] to be compliant.” *Id.* Commissioner Clark echoed Orton’s critique saying, “that Section of Detroit at the public hearings [said] they did not want to be connected with Grosse Pointe.” *Id.* But General Counsel Pastula responded that they should continue to strive to reach their “goal” of reducing the districts’ BVAPs to the percentages listed Handley’s analysis. *Id.* at 7243. Eid responded that “I will just continue to finish fixing this.” *Id.*

Around this time, Adelson and Pastula had sidebar conversations with Chair Szetela and Vice Chair Rothhorn. According to Szetela, “the hammer came down on the Commission” and Adelson and Pastula said the Commission needed to “stop thinking about communities of interest,

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to stop thinking about keeping municipal boundaries together” and instead “solely focus on race because we needed to bring these districts down.” R.112 at PageID 3662-63.

Accordingly, Szetela then developed an alternative map that brought “percentages down in most districts below 40%.” MICRC Tr. at 7270-71. She presented this map to the Commission and said she “did what Mr. Adelson asked and tried to lower the numbers,” but acknowledged that, to do so, she had created “some crazy sho[e] string districts.” *Id.* at 7271.

The Commission thereafter continued working on what became House Districts 10 and 11. Some commissioners observed that the districts had not yet reached the “35-40%” goal for Wayne County. *Id.* at 7277. Adelson responded that the changes were an “improvement” and that the Commission was “moving in the right direction” but was not “finished.” *Id.* He encouraged the Commission to continue its “systematic approach” of “going down the list literally of the districts and looking at the voting age population.” *Id.* at 7279.

Later, Commissioner Kellom revised what became House District 8, reducing its black-voter percentage to 56. *Id.* at 7279-80. Adelson encouraged her: “Well look at what you’ve done in just a few minutes. You are diversifying the district and addressing [] the compliance concerns.” *Id.* He then told the Commission to “keep to that systematic approach.” *Id.* at 7281. But some commissioners sought further guidance. Commissioner Eid, for instance, asked, “What is the highest percentage [a district] can be to fend off legal challenges in the future?” *Id.* at 7283. Adelson, referring to what became House District 8, said “there is no like absolute magic bullet . . . but 53.85% yes, it’s an improvement.” He added, “my feeling is that there is more to be done here. Because I am [loth] to just say creating 54, 55, 56% majority minority districts in an area that analysis is determined, Black voters can elect at percentages lower. I’m not prepared to do that.” *Id.* at 7283.

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The Commission then reduced the black-voter population in several districts by connecting downtown African-American communities with still more suburban ones. That led Szetela to tell the Commission that “I think we can accomplish what Mr. Adelson is suggesting we do. It’s just going to require a little creativity.” *Id.* at 7343-44. Later, Commissioner Clark commented on the development of the map: “we took those spokes and went so far north and so far west. . . . But it’s a tradeoff. I mean we have to get compliant so we have to do something and we made the decision to go the route with the spokes.” *Id.* at 7348. By the end of the day on September 30, the Commission had produced Draft Map 193.

District No.		1	7	8	10	11	12	14
	Date	BVAP	BVAP	BVAP	BVAP	BVAP	BVAP	BVAP
House Map Plan 183	9/28/2021	28.62	79.04	54.09	42.74	65.66	43.74	38.33
House Map Plan 193	9/30/2021	36.58	66.54	50.37	58.44	49.23	43.74	39.21

The next day, the Commission paused mapping while Dr. Handley gave a presentation on partisan fairness. She provided several metrics to measure partisan fairness and presented “some political fairness scores for some of the plans” the Commission had already drawn. *Id.* at 7375. Handley said she was “surprised and pleased” to see that their efforts “to adjust the VRA numbers” were “producing better measures” for partisan fairness. *Id.* at 7410. She also explained that the mapping specialists were developing a partisan-fairness tool that “was almost ready” and which would allow it to “run political fairness reports whenever you have a plan that you want to run it on.” *Id.* at 7375.

Dr. Handley also reiterated Pastula’s point that this analysis “can only be done off of a complete plan.” *Id.* at 7380. And Handley, Adelson, and Szetela reminded the Commission that

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the state constitution elevated other criteria, including “compliance” with the Voting Rights Act, over partisan fairness. *Id.* at 7382, 7386-87.

5.

October 4: Revisions to Senate map. On October 4, the Commission began its “compliance analysis” of the senate map. At first some commissioners were confused, thinking they had already drawn a VRA-“compliant” senate map. Adelson was absent at this time, but General Counsel Pastula said that Adelson “didn’t sign off” on the senate plan and that it would be “an excellent use of time” to “get those Metro Detroit districts closer to the 30 to 40% [BVAP] range.” *Id.* at 7436, 7440. She reiterated her earlier guidance:

I wanted to also address again the narrative that 50% minority is the—that is not the courts have not supported that wholesale adoption of 50% or 51%. What Dr. Handley’s racial bloc voting analysis has given the Commission is the benchmarks and the guide rails for each of the Counties that need to be adjusted. [In] Wayne County [it] is 35-40%. Genessee is 35-40. Saginaw is 40-45%. And Oakland County is 42, 43%. Again that would provide the opportunity to elect. So you don’t need districts with 60% minority voting age population in any of those four Counties to achieve compliance.

Id. at 7440. Pastula referred to these percentages as “the goals identified [] by your racial bloc voting analysis. And the interpretation by your Voting Rights Act counsel,” meaning Adelson. *Id.* at 7441. Clark expressed frustration with this goal, responding: “Now [I] know they want it lower but sometimes you just can’t do that because of the distribution of the people.” *Id.* at 7439. Rothhorn replied: “I think what we can interpret from [our legal counsel’s] advice is if we don’t try to get to 35%, we have not done our due diligence and therefore we may be exposing ourselves to a legal risk we might be able to defend ourselves against but can’t guarant[ee] that.” *Id.*

The Commission duly started to revise its senate map. Commissioner Vallette worked on what became Senate District 10, employing the spoke technique to stretch the district “back up north” to reduce its black-voter population. *Id.* at 7441-42. Rothhorn approved: “Looks like [the

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district] has reduced from 47.3 to 45.8 so you are definitely heading in the right direction, Janice.” *Id.* at 7442. Rothhorn also asked Vallette to consider communities of interest as she drew the district. *Id.* at 7444. But Witjes interjected: “Don’t worry” about the “community of interest . . . That should [] not [be] something we’re looking at. We should be going into looking at just complying with the Voting Rights Act.” *Id.* Commissioner Vallette soon finished working on the district, and Szetela said: “Brought your African/American [population] below 40%. So now you are perfectly in the sweet spot of 35-40.” *Id.* at 7446.

Next, Commissioner Richard Weiss adjusted what became Senate District 3. Rothhorn said “we are currently at 43.25 so you want to try to get it to 35-40” BVAP, and reminded him that “we are not focusing on COI.” *Id.* at 7446-47. Szetela also suggested that Weiss try and find “more white populations” and that his “best bet is going to look up along the border into Oakland County.” *Id.* at 7447. Weiss did so; as he reached into Oakland County, Commissioner Lett interjected, “What’s the target for Macomb? Oakland[.]” Rothhorn responded, “Oakland County the target is 42 to 43ish.” *Id.* at 7449. Weiss reduced the black-voter population, finished drafting, and again Szetela said, “you are in the sweet spot at this point.” *Id.* at 7450.

Commissioner Witjes then revised what became Senate Districts 6 and 8. *Id.* As with the other districts, he sought to dilute the black-voter population in each by “going north.” *Id.* In what became District 8, for instance, he drew the district north to include the entire the city of Birmingham—one of the wealthiest communities in Michigan, where the median household income is \$151,556—thereby uniting it with portions of Detroit, where the median household income is \$37,761. Birmingham city, Michigan, U.S. Census Bureau, <https://www.census.gov/quickfacts/fact/table/birminghamcitymichigan/PST045222> (last visited Dec. 21, 2023); Detroit city, Michigan, U.S. Census Bureau,

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<https://www.census.gov/quickfacts/fact/table/detroitcitymichigan,MI/PST045222> (last visited Dec. 21, 2023).

Commissioner Clark was alarmed, saying, “When you go into Birmingham, we are stretching this thing all the way from mid-Detroit all the way up there.” *Id.* at 7451. Szetela replied, “What other way is [there] to get VRA [compliance]?” *Id.* Rothhorn observed: “Started [at] 57.32 now we are 44.13 nice work.” *Id.* at 7453. Witjes asked, “What does it need to go down to?” *Id.* Szetela answered, “Wayne is 40 ideally. 35-40%.” *Id.* Witjes then reduced what became District 8’s black-voter population to 41.77%, and began working on what became District 6. *Id.* at 7455. Szetela said he should “balance” the district by going north: “you’re going to bring it into Farmington and that will reduce your African/American population.” *Id.* Witjes managed to reduce the district’s black-voter population to 40.7%. *Id.* at 7464. He explained: the “rationale for these adjustment[s] this is taking into account the Voting Rights Act and looking at the voting age population and the Black voting age population to make them so that they . . . so the districts are able to elect candidates of choice.” *Id.*

At this point, as before, some commissioners aired concerns. Eid said, “I don’t like splitting up Canton and I don’t like splitting up Farmington . . . if we have to split both of them, we have to split it but I would rather them be whole.” *Id.* at 7468. Curry added that what became Senate District 1 looked “crazy” and “terrible,” and said, “I mean it just looks like somebody just said well we don’t care about Detroit.” *Id.* at 7469. Rothhorn responded, “I think the reason it’s drawn if my understanding is correct Commissioner Curry it’s related to the VRA. Right where the white and Black populations are balanced.” Curry retorted, “It may be balanced but it looks too crazy.” *Id.* Sarah Reinhardt, attending on behalf of the Michigan Secretary of State’s office,

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then reminded the Commission that compactness was the state constitution's "lowest ranked criteri[on]." *Id.* at 7470.

The Commission thereafter revised what became Senate Districts 5, 6, and 13. *Id.* at 7470. Because the districts bordered one another, the black-voter population fluctuated as commissioners made changes. *See e.g., id.* at 7470-76. Ultimately, though, the Commission continued to lower the percentages towards the goals provided by Adelson and Pastula. As this process went on, Commissioner Curry continued to express concern about splitting up communities of interest. But Rothhorn responded that, "the reason I think we are trying to split it is we are trying to get the numbers that we were given from Dr. Handley at 35% with the Black voting age population that is 35%[.]" *Id.* at 7480. Adelson agreed, saying "as you know it's very important if not essential that Dr. Handley's analysis be followed for compliance." *Id.* at 7481. He added, "the Supreme Court has made it very clear that if you pack voters, if voters are put in a District in [ex]cess of what racial bloc voting analysis shows, that's an issue. And I know we have talked about that. And we are going to continue to adhere to it." *Id.*

Adelson later said the Commission should not try to adhere to single number of "35%, 45%"; instead, he said, "having a range, 35-40%, 40-45%, yeah, I think that's more advisable." *Id.* at 7482. Eid then responded with his own doubts about the premises of Handley's analysis:

I'm becoming increasingly uncomfortable with this direction that we're going under. Because while it is unpacking the districts you know we don't have any District that is close to 90%, 70% or even 60%. But you know the numbers that we are hitting it just makes me question how is that going to work with actually electing a candidate of choice. And I think part of the problem I have with this understanding is the analysis did not include primary election results. So like if we look at District 17 here. We have it at 35.14% Black voting age population. If you have a primary election where there is two Black candidates and a white candidate how is it that you know the candidate of choice is actually going to get elected? I understand that in the general election, yes. All of these districts that we draw are going to be democratic districts. But that's not where the choice actually happens in these areas.

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Id. at 7483. Adelson acknowledged that the Commission had data for only one statewide primary election—“the 2018 gubernatorial primary,” which Handley had said was not probative in her analysis—but Adelson said “we have to work with what we have.” *Id.* at 7485. He added that this circumstance “is something that is a little different for me. I really have not been in a situation where so few contested primary elections are on the table.” *Id.*

Later, Adelson used the bellwether-elections tool (which one could fairly call a “general-elections tool”) to check the Commission’s work. Again he found that African-American “candidates of choice prevail” in what became Senate District 10. And again he said that “it’s important to remember the U.S. Supreme Court has been absolutely clear that if you put additional minority voters into a District beyond what is needed to elect candidates of choice that’s an issue.” *Id.* at 7489. (Adelson never provided any legal support for that assertion.)

During this process, Adelson approved the “42-43%” goal for Oakland County, calling it a “good kind of benchmark guidepost.” *Id.* at 7495. He also told the Commission that—unlike Congressional plans, for which the Supreme Court requires the population of each district to be very nearly the same—the Commission had “a lot more leeway” to deviate from that rule in drawing state legislative districts. *Id.* at 7500. Adelson also said he approved of changes the Commission had recently made. *See, e.g., id.* at 7509. Eid said the opposite: “I don’t like the changes at all,” adding, “while it’s better for or might be better for VRA reasons it’s really much worse for community of interest reasons.” *Id.* at 7510. But Rothhorn reminded him that the “VRA” was “criteria number one,” adding, “I know it hurts believe me.” *Id.*

The Commission then determined that it had achieved its VRA compliance goals. Only then did it turn to partisan fairness and “compactness” considerations. In doing so, however, the Commission focused almost exclusively on districts outside of the Detroit area.

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The Commission accordingly made no further changes to the Detroit-area districts and saved its new draft as Draft Map 199. The number of districts with black-voter population percentages above 50% now stood at zero—making Draft Map 199 “an almost final map.” R.112 at PageID 3677.

District No.		1	3	6	8	10	11
	Date	BVAP	BVAP	BVAP	BVAP	BVAP	BVAP
Senate Map Plan 162	9/13/2021	10.98	50.82	76.56	63.77	18.1	7.8
Senate Map Plan 165	9/15/2021	34.86	44.87	51.99	59.06	49.38	11.02
Senate Map Plan 199	10/04/2021	36.73	43.35	40.03	42.45	41.20	18.42

6.

More house revisions. The House map still had some districts with BVAPs above 50%, however, and on October 5, the Commission returned to revising it. The Commission decided to use the “same process” it did in the senate, “going District by District looking at VRA[.]” MICRC Tr. at 7639. As before, the commissioners used the “African/American dots” tool to help them see black-voter populations as they mapped. *Id.* at 7640. The first to draft that day, Commissioner Weiss, told the mapping specialist he did not want to use the software’s neighborhoods overlay—a tool for keeping neighborhoods whole if the Commission so chose—because “we are looking at VRA.” *Id.* at 7642. He then adjusted the district based primarily on its black-voter population percentage. *Id.*

Next up, Commissioner Witjes worked on what became House District 10. *Id.* He too focused on bringing the black-voter population in line with Adelson’s prior guidance. *Id.* Szetela

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commented on his adjustments: “Brought it down quite a bit,” and “we have room to go north.” *Id.* at 7463. Witjes brought the percentage “below 40%” and asked whether the “40% sweet spot still appl[ies].” *Id.* at 7644. Adelson replied, “I think providing leeway, a little cushion here . . . is important.” *Id.* In what became District 11, however, Witjes’ changes had increased the black-voter population above 50%. *Id.* at 7646. Clark asked, “Would it be acceptable to keep it that way?” *Id.* Adelson responded, “Looking at [what] the law says and what Dr. Handley analyzed and Dr. Handley’s analysis is in Wayne County BVAP and Black voters can elect candidates of choice at 35% . . . if you make a District a majority minority District . . . you get into more involved attempts at justification.” *Id.* Clark replied, “But you can’t change the places where these people are living. I mean it’s so concentrated.” *Id.* Adelson answered, “there are some limitations about what you can do. But having a population that is more than 20 points above what Dr. Handley analyzed [] raises my eyebrow. So to the extent it can be done absolutely. And if it’s impossible or unreasonabl[e] then that is [a] justification [we] have to deal with but until that point, I think making reasonable efforts at what the Voting Rights Act and the courts say and what Dr. Handley analyzed I think that that’s important.” *Id.* Witjes then continued mapping, sought to bring the percentages in both districts into line with Adelson’s directives, and succeeded. *See id.* at 7647-48. Adelson then checked the districts using the bellwether-elections tool and (as in every other instance) confirmed that “they all performed.” *Id.* at 7650-51.

As commissioners continued to revise the other Detroit-area districts, Adelson and Pastula repeatedly reminded them of their targeted black-voter population percentages. *See e.g., id.* at 7652. Adelson, for example, said, “remember it’s 35-40% in Wayne County. 40-45% in Oakland.” *Id.* at 7653. The commissioners commented along the same lines as they worked. For example, Szetela told Clark that “when you add African/American population” to a district “you

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have to take some off somewhere else.” *Id.* at 7655. Clark followed her advice and Szetela observed, “you are down to 48 now 47” percent black-voter population. *Id.* at 7656. Adelson applauded the effort: “Commissioner Clark, I think your adjustments have really made a lot of— have a lot of positive effect.” *Id.* The Commission then worked further to “dilute,” as Commissioner Lett put it, the black-voter populations in what became Districts 1, 7, 8, 10, 11, 12, and 14. *See id.* at 7642-7679.

At this point, Dr. Handley joined the meeting remotely and gave the Commission a second, brief presentation on partisan fairness. For the most part she discussed some other states’ plans that scored badly on various partisan-fairness metrics. Pastula said, “none of the plans that the MICRC has put through have come close to those numbers . . . so that is very good news for the Commission indeed.” *Id.* at 7683. The Commission then returned to revising house districts outside the Detroit area. At the end of the day on October 5, the Commission saved their House map as Draft Map 204. By that point, they had reduced the number of Detroit-area districts with BVAPs above 50% to zero.

District No.		1	7	8	10	11	12	14
	Date	BVAP						
House Map Plan 183	9/28/2021	28.62	79.04	54.09	42.74	65.66	43.74	38.33
House Map Plan 193	9/30/2021	36.58	66.54	50.37	58.44	49.23	43.74	39.21
House Map Plan 204	10/05/2021	41.63	39.85	40.72	42.68	47.37	49.89	42.80

The Commission completed further revisions to the house maps on October 6, but these did not affect the Detroit-area districts. *See id.* at 7726-34.

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7.

“*Compliance*” analyses. From October 6 to 11, the Commission did a partisan-fairness and population-deviation “compliance analysis” of its draft house and senate maps. *See, e.g., id.* at 7733-34. It began with the draft house map. From the start, the Commission recognized that by “achieving VRA compliance we did get better partisan fairness scores.” *Id.* at 7735. It then decided to take a “systematic approach” to improve those scores. *Id.* In doing so, however, the Commission also decided that since the districts in Detroit were “drawn that way for VRA reasons [it] might be a better idea to look at the other areas outside of Metro Detroit” to improve those metrics. *See id.* at 7737-81; 7867-77. Later, Adelson echoed this point: “my suggestion is we avoid districts that have VRA implications” and that the Commission work on “districts that are not in the Metro Detroit area.” *Id.* at 7781. The Commission followed this guidance: “we do not want to mess with 17, 14, because those are the VRA districts”, *id.* at 7782; “The reason I didn’t [change those districts] is because they are two VRA districts”, *id.* at 7785; “This was a VRA District that we tried really hard to get it as high as possible African/American vote. And we had lots of comments from Mr. Adelson that we should keep it as good as we got it”, *id.* at 7802; “I don’t want to go back into Detroit. I think it’s a spider’s web to try to sort out again. I think we got it as I recall the way we want it”, *id.* at 7816. This approach worked and changes in other areas improved the maps’ partisan fairness metrics. *See id.* at 7826.

The Commission simultaneously addressed population deviations in their draft plans. As to the so-called “VRA districts,” however, Adelson repeatedly told the Commission not to worry too much about population deviations, reiterating that “VRA compliance is a legitimate rationale for population[] deviations.” *Id.* at 7835. He then recommended “looking at districts first that are

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out of the VRA semicircle And then we can see where we are at that point.” *Id.* Again, the Commission followed his advice and reduced the population deviations in districts outside of the Detroit-metro area. *See, e.g., id.* at 7836-52; 7896-7902.

The Commission then turned to the draft senate map, addressing partisan fairness and population deviations simultaneously “to kill two birds with one stone.” *Id.* at 7960. As before, the Commission sought to avoid significant changes to VRA districts: “14 was drawn that way with Pontiac for VRA reasons so we might not want to change that one too much”, *id.* at 7960; “Are we identifying also VRA districts where we want to not change the deviation?”, *id.* at 7961; “Before any changes are made maybe we should jot down the VRA numbers just to make sure we don’t mess something up”, *id.*; “That is a VRA let’s put a check on it and move on”, *id.* at 7976; “We decided we had that as good as we could possibly get it for VRA and did not want to touch that at all. So I think we have to undo that”, *id.* at 7983; “there was something about 11 that we need to be careful of. But it does not seem to be a VRA District”, *id.* at 8044; “District 11 did not have a significant Black age voting population, right?”, *id.*; “I just wanted to point out that several of these districts are delicately balanced as far as minority population Just as an FYI as the [] adjustments are being made”, *id.* at 8046; “we are not going to be able to get [perfect partisan-fairness scores] because of how we have drawn some of the VRA districts to be compliant So I think this is a good map”, *id.* at 8053. The Commission eventually made small changes to what became Senate Districts 1, 3, 10, and 11. *See id.* at 7987-88. As it did so, however, the Commission continually checked its racial-percentages tool to ensure that it did not compromise its VRA goals. *See, e.g., id.* at 7991-94.

Later, the Commission returned to the draft house map and made further revisions to improve partisan fairness and population deviation. *Id.* at 8074. Again it focused on districts

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outside of Detroit. *See, e.g.*, 8074-8081. The Commission was careful to avoid moving black-voter population percentages out of the target ranges. *See, e.g., id.* at 8081-86. But it found (as Orton pointed out) that the “VRA districts that we worked so hard on” had caused the largest population deviations. *See id.* at 8087-88. Orton said “I just have to accept [the deviations in VRA districts] . . . I mean we may be able to make some improvements but I don’t think we will be able to change the plan deviation.” Clark agreed. But Adelson again reassured the Commission that “compliance with the Voting Rights Act” was a “legitimate state justification” for the deviations. *Id.*

Yet Szetela thought they could reduce deviations in VRA districts without “making changes to the VRA levels[,]” because “we know where the African/American population is” around those districts. *Id.* at 8089. Witjes pushed back, saying these districts “were carefully crafted with VRA in mind. So if we were to start messing with that, we could be opening up another can of worms.” *Id.* at 8090. Szetela persisted and she (and other commissioners) later made small changes to what became House Districts 10 and 11, among others. *See id.* at 8090-91. But the Commission made sure those changes did not move the black-voter population percentages beyond Adelson’s numbers. *See, e.g., id.* at 8090-8102. Throughout this process, commissioners frequently used the racial-dots tool and referred to the “African/American” or “Black voting population.” *See id.* at 8102-03. After one such reference, Adelson (seemingly for the purpose of the record) interjected: “The changes that are being made have nothing to do with race. Race is not predominating these decisions as you are trying to equalize your population deviation.” *Id.* at 8103.

Remarkably, by negative implication, Adelson then suggested that race *could* lawfully predominate when drawing the so-called VRA districts: “So if decisions were being made[,] *if*

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race was the primary consideration without having anything to do with the VRA, that is another issue.” Id. at 8104 (emphasis added.) But these changes, Adelson said, were “deviation related.”

Id.

By the end of October 8, the Commission had completed Draft House Plan 227, which it later named “Pine.”

District No.		1	7	8	10	11	12	14
	Date	BVAP						
House Map, Pine	10/08/2021	41.63	39.85	40.72	42.05	48.00	49.89	42.80

The Commission had also completed Draft Senate Plan 220, which later it named “Cherry.”

District No.		1	3	6	8	10	11
	Date	BVAP	BVAP	BVAP	BVAP	BVAP	BVAP
Senate Map, Cherry	10/07/2021	37.04	42.84	40.64	42.45	36.63	20.02

Neither map had any Detroit-area districts with black-voter populations above 50%.

C.

Public reaction to the draft plans. The Commission then commenced a new round of public hearings throughout Michigan; the one that matters here was held in Detroit, at the TCF Center, on October 20. Before that hearing, however, Detroit-area current and former state lawmakers, along with other community leaders, held a press conference in which they sharply criticized the Commission’s proposed maps. *See* Pl.’s Ex. 130 at 2. A news publication reported that one legislator said, “[t]he commission has drawn zero [black majority districts], and that’s an unacceptable change That doesn’t elect Black candidates, it doesn’t do Black people any

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good, it is not helpful to our community, it is not helpful to our issues.” *Id.* at 3. Another legislator said, “The current plans have diluted our voting bloc It will potentially take away all Black representation, potentially all Detroit representation.” *Id.* at 4. The president of the Detroit Branch of the NAACP added, “We want maps that reflect who we are.” *Id.*

Likewise, in the days before the TCF hearing, Michigan State University’s Institute for Public Policy and Social Research published an analysis of the Commission’s proposed plans. Its conclusions were unequivocal. The draft Senate plans, it said

are extremely unusual in engineering maps without a single majority-Black district. . . . These maps appear to deliberately dilute concentrations of Black voting age population above 50%, to create instead as many districts as possible in which the Black vote constitutes a large majority above 35%. . . . [T]he probability that plans like these without a Black-majority district arise by chance are remote. Rather, these plans’ outcome with no majority-Black district, and twice as many districts with a large minority of Black voters as in most other plans, is attained by design, following the advice to the Commission formulated by its VRA Legal Counsel [*i.e.*, Adelson] and its VRA Consultant [*i.e.*, Handley].

See Jon X. Eguia, “Michigan Redistricting Draft Map Analysis,” at 46, <https://ippsr.msu.edu/sites/default/files/SOSS/IPPSRRedistrictingReportvOct20v1.1.pdf> (last visited Dec. 21, 2023).

The MSU Institute’s assessment of the House plans was similar:

The 2011 redistricting map arguably packed Black voters around Metro Detroit so that the number of such Black-majority districts increased to eleven . . . These [proposed] plans go in the opposite direction to an extraordinary extreme, arguably cracking the large majorities of Black voters to studiously avoid configuring a single district that would cross the 50% threshold of Black voters. By diluting the concentration of Black voters in the districts with the greatest share of them, these plans manage to generate an improbably high number of districts with over 40% and over 35% of Black voters.

Id. at 64. In summary, the Institute concluded, the “absence of majority-Black districts is extraordinary, and impossible to arise except by careful design.” *Id.* at 75.

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The reaction of Detroit residents at the TCF hearing itself, one can fairly say, was vociferous. Over the course of nine hours, more than 200 residents commented on the proposed plans. Most commenters were highly critical; a plurality of them complained specifically about cracking and the absence of any black-majority districts. A handful of examples are enough to convey the hearing's tenor. A former state legislator said, "it was not for you to peel off parts of Detroit and throw them in communities we have nothing in common with. Bloomfield Hills, Birmingham, Canton, Farmington, Madison Heights, New Baltimore and Sterling Heights. How can we advocate for the community when we are cracked into eight parts[?]" *Id.* at 8223. Another commenter said, "Your plan for the next ten years denies Black [and] Brown [people] in Michigan the opportunity to select representatives from their neighborhoods to send to Lansing." *Id.* at 8218.

Another said:

I'm really outraged at the way these maps are breaking up the north end and eliminating the political power of the people in the City of Detroit. . . . It's unfair. Put the north end back together. Keep it intact. Boston Edison, Hamtramck, Highland Park east side of Detroit, Senate District 2 now includes even the Grosse Pointe areas. Don't immigrate us to negate us and leave Black districts intact.

Id. at 8256-57. Another Detroiter said: "We know that you can draw better maps for Black Michiganders. Honor the Voting Rights Act to ensure Black people are able to elect leaders that look like themselves. Let's not return to the Jim [C]row politics of old." *Id.* at 8215. Another said, "we want to ensure that Black folks are kept [a] majority minority [in] our districts." *Id.* at 8220; *see also, e.g., id.* at 8233, 8241, 8261, 8320. Another cut to the heart of their complaints, saying a "majority of Black Detroit deserves the chance to be represented by Detroiters. Not just people that might share [a] political party." *Id.* at 8222.

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Some commenters made legal observations. The Executive Director of the Michigan Civil Rights Commission, for example, told the commissioners that its draft Detroit-area districts “violate Federal civil rights law”:

They dilute majority minority districts and strip the ability for minority voter to elect legislatures [that] reflect their community and effect any meaningful opportunity to impact public policy and law making. If you approve any of your maps, we believe that you will be violating both Federal statutory and case law.

Id. at 8264. And an NAACP member cited a legal rule about which the Commission had heard very little during its own meetings: “[W]e do not appreciate the way the maps have been drawn to date. We want to remind you that the 14th [A]mendment prohibits legislatures and this Commission from engaging in both intentional and race[] based voter dilution and racial sorting.”

Id. at 8303.

D.

The “closed session.” On October 27—nine days before its November 5 deadline for publishing maps ahead of the 45-day public comment period—the Commission held its first meeting after the TCF hearing. It promptly voted to go into “closed session” (meaning closed to the public)—something it had never done before—to discuss two purportedly “privileged and confidential” memoranda from Adelson. *Id.* at 8754. The meeting was not transcribed at the time; but it was recorded. (The Michigan Supreme Court later ordered the recording to be made public.)

General Counsel Pastula began the meeting by announcing the “rules of the closed session,” namely that “none of the discussion topics or documents may be shared outside of this room.” R.126-1 at PageID 4571. The commissioners had been told to sign a confidentiality agreement: Pastula said, “everyone [has] received the confidentiality agreement,” and told the commissioners to return to their signed copies to her or Sue Ann Hammersmith, the Commission’s

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Executive Director. *Id.* Adelson—who did not attend the TCF hearing—then took the floor, saying among other things:

We [*i.e.*, himself and Pastula] have become concerned that there is so much misinformation out there. We wanted to have an opportunity to set the record straight in a sense, provide our advice, provide you with information about what the law actually says[.]”

Id. at PageID 4573.

Adelson insisted that the VRA “does not require any numerical amount of majority-minority districts; indeed, does not even require majority-minority districts at all.” *Id.* at PageID 4572. The public comments to the contrary at the TCF hearing, Adelson said, were “woefully misleading.” *Id.* at PageID 4578. Throughout the closed session, Adelson and Pastula variously described these comments as “infused with either misinformation or lack of information,” based on “specific agendas,” and “flat out incorrect.” *Id.* at PageID 4578, 4596, 4608.

Adelson also discussed the lack of primary data available to the Commission during its mapping process. But he reassured the commissioners that, “while primaries can provide useful information, please be advised that . . . they’re not necessarily dispositive.” *Id.* at PageID 4577. Adelson also discussed the importance of the Commission’s record for the purpose of any future litigation challenging the maps, saying:

one of the things we have to stress, emphasize, insist on, plead, beg and say please, please don’t use phrases about adding black people, subtracting black people, adding white people, subtracting white people.

Id. at PageID 4579. He added, “one of the reasons we wanted to have this session is that in looking to the future, looking over the next eight days, we don’t want to give people out there specific paths to challenge what you’re doing. Remember . . . legally, race cannot predominate redistricting. It can be one factor of many.” *Id.*

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Adelson then referenced one of the Commission's earlier decisions to keep together communities of interest in the Flint area. *Id.* at PageID 4580-81. He said that "a path forward" for the Commission might be to mimic that approach in the Detroit-area districts, "rather than focus on race predominantly." *Id.* Eid asked, "so, how do we do that without packing the districts?" *Id.* Commissioner Kellom replied:

I think what I hear Bruce saying is the rhetoric and language that we use to justify. So, like, what we're actually doing in reunifying folks is of course, we're putting certain races together, we know that. But then what we say is that we're observing the fact that these areas are uniquely different, like when we think about Detroit. So we're not using the language that is going to question the maps when it gets to that point. So I think if we go back and look at the cultural aspects and the neighborhoods . . . the places that are completely black [laughing] just saying it like that, um, will be, the undertones will be accomplishing what folks want but doing it in a way that still upholds our criterion.

Id. at PageID 4581-82. Adelson suggested that the commissioners focus their future discussions on keeping "neighborhoods" and "communities" whole. *See id.* at PageID 4582-86. Orton echoed his advice: "when we're talking about this, if we choose to put anything together that we currently have separated, we go back to the communities of interest, it's a communities of interest thing not a VRA thing." *Id.* at PageID 4588. Clark then replied to Adelson:

Detroit's different. And so your comments were—it appears to be a neighborhood issue and they want to have the neighborhoods consolidated. So we can do that and make minor modifications to the districts we've done. But that to me doesn't fix the problem that they [Black voters] were complaining about. The problem they were complaining about was, in my mind, was that the districts didn't give them [Black voters] the opportunity to elect. And so changing just the neighborhoods, it's not going to change that problem. So the way to change that would be to make the districts compress them so that more of the blacks are in Detroit.

Id. at PageID 4594. Commissioner Lett offered a suggestion about how the Commission could make changes to Detroit-area districts:

[C]ommunities of interest was created as a nebulous criteria that the redistricting commission could use later as cover for whatever map it draws. Communities of interest is a will-o'-the-wisp. It's a wreath of smoke. It can be whatever is

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necessary, the crucial thing is who decides what a community of interest is that gets preserved. The answer? The Commission does. Who gets to review that? Frankly, nobody does. It's up to them. Was it originally intended? Yes. It was built in as nailing Jell-O to the wall. . . . that's what we can use now to justify what we're doing. And it's in the amendment. They put it in there. So let's use what we got.

Id. at PageID 4602. Lett concluded by saying the Commission could use communities of interest to “provide ourselves with cover. We can do it. Tomorrow.” *Id.* at PageID 4602-03. Commissioner Eid responded: “I agree with everything Steve [Lett] just said.” *Id.* at PageID 4603-04.

But Kellom said, “I can't ignore the people that are talking about how Southfield is ripped up, and that is true. How Palmer Park is ripped up, and that is true . . . the Detroit area is jacked up and we need to change it. And I don't want us to sit here and start think about ways we can keep it the same.” *Id.* at PageID 4607. Lett reassured Kellom: “Nobody in this room is saying we can't go in and make changes. The only thing that we are saying is when we make those changes, we need to be cognizant of the VRA and how we're doing that.” *Id.* at PageID 4612. Pastula added, “I would strongly advise you to listen to your lawyers” on this topic. *Id.* at PageID 4613. Orton agreed and reminded Kellom: “remember the wording. This can fall under communities of interest.” *Id.*

As the closed session wound up, Clark then reminded the other commissioners: “Anything discussed in this room today should stay in this room period Not discussed with anybody.” *Id.* at PageID 4617. Pastula then reminded them all to return their signed confidentiality agreements. *Id.*

E.

Post-TCF changes. Over the next week, the Commission finalized its draft senate and house maps. The Commission made minimal changes to the draft senate maps, none of which

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substantially affected the BVAPs in Detroit-area districts. *See* R.112 at PageID 3677-78; MICRC Tr at 8919-47, 9003-15. According to Szetela, however, Kellom and Rothhorn came to her and said they “wanted to increase the black voting age population” some Detroit-area house districts and that they had “had a discussion with Bruce Adelson that they could do that as long as they used neighborhoods as the basis.” R.112 at PageID 3718.

On November 2, the Commission began revising the draft house maps. *See* MICRC Tr. at 9157. At first, commissioners made only “small changes” to improve metrics such as population deviation. *See, e.g., id.* at 9164-9200. But then Rothhorn announced that he and Kellom had been “working together” on an “overlay” that included some “major changes” to certain Detroit-area districts. *Id.* at 9199-9201. Kellom and Rothhorn said that they had done so because they were concerned about the comments the Commission had received at the TCF hearing, and wanted to “honor[] our third criteria of diversity and COIs.” *Id.* at 9199-9204. Orton asked whether the map affected “VRA districts.” *Id.* at 9202. Kellom responded, “yes”; but Rothhorn said, “yes and no we don’t know if we got it right. It’s more communities of interest changes.” *Id.*

The Commission decided to create an alternate map based on Kellom and Rothhorn’s overlay. To do so, it deleted most of the districts in Detroit and drew new ones based on the overlay. *Id.* at 9202. As the draft progressed, Kellom explained that their map “honors the COIs” by reuniting “some of the [Detroit] neighborhoods.” *Id.* at 9206-07. She also said that Adelson had told them that, with that rationale, they “could increase BVAP” in Detroit-area districts. *Id.* at 9204.

Szetela responded that Kellom’s suggestion “was not consistent with what I was hearing from Detroit. I don’t remember [] individual commenters saying they wanted neighborhoods put back together. I remember a lot of comments about wanting minority majority districts with more

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than 50% African/American and I don't remember much of anything about neighborhoods honestly.” *Id.* at 9207.

Pastula interjected, “I think what I hear Commissioner Kellom discuss is, again, the third criteria of diversity and communities of interest” and that “the focus of uniting neighborhoods that . . . I hear Commissioner Kellom attempting to do . . . wouldn't have VRA implications . . . would not have a Voting Rights Act component.” *Id.* at 9207. Pastula added that if “the comments were advocating more than 50% majority minority districts based on VRA,” then that “would likely be held to constitute racial gerrymandering. And, again, that would create VRA issues. What—where I see this conversation happening is not rooted or anchored in the VRA at all.” *Id.* In the same vein, Kellom said, “this whole week I've been talking about neighborhoods. I specifically did not mention the VRA.” *Id.* at 9208. Curry added, “communities of interest is all about neighborhoods.” *Id.*

Chair Szetela was skeptical: “I think to me the biggest issue is you're mentioning these communities of interest but when we collaboratively mapped, we discussed many, many communities of interest,” but “what is happening here is that you and [Rothhorn] and Commissioner Curry have individually decided which communities of interest you think are important for this area. And you're asking us as a collective to just accept them without consideration[.]” *Id.* at 9209. But Lett responded, “I think [Rothhorn] is trying to do what Detroit wants done.” *Id.* at 9217.

The Commission moved ahead with the new draft. Kellom and Rothhorn's overlay guided the mapping process, but the Commission also continued to rely on the racial-dots tool and their knowledge of the racial makeup of the area as they mapped: “I think the dots are good”, *id.* at 9217; “they are also pretty much the Black African neighborhoods too”, *id.* at 9218; “when you

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look at Finkle and Dexter they are predominately Black African/Americans”, *id.* at 9219; “if it comes down to deciding between neighborhoods it might be a good idea to think about which of the minority groups in the neighborhood vote the same way”, *id.* at 9225; “7 is 68% nonwhite”, *id.* at 9237. But Commissioner Kellom continued to try and justify the changes on other grounds while the mapping progressed: “This is about the Detroit community,” so “open up your hearts and your minds. This comes from a very sincere place.” *Id.* at 9230.

The new draft revised what became House Districts 1, 7, 8, 10, 11, 12, and 14. *See, e.g., id.* at 9240, 9253. The Commission eventually reached a stopping place and decided to check the map’s “demographics,” i.e., black-voter percentages. Some other Detroit-area house districts now had BVAPs above 50%. Adelson commented on these changes:

This is—as you know we have discussed the VRA analysis and Dr. Handley’s analysis. And there has been nothing that I’m aware of where any of you have said we need to put more Black people in a certain area beyond what the Voting Rights Act says. When you take that and then look at the reunifying neighborhoods that is a different consideration. . . . I think the numbers are an improvement in the sense of responding to concerns about that I took to be community based. So those are my thoughts.

Id. at 9256.

Szetela asked, “So you’re okay with 55%, 54.9% Black VAP . . . I just want to confirm that you think that is acceptable.” *Id.* Adelson answered, “I’m fine with that from the perspective of what was discussed today.” *Id.* at 9256-57.

The Commission’s meeting the next day, November 3, began with a short public-comment period. A regular observer of the Commission’s meetings, Sarah Howard of the AFL-CIO Fair Maps Project, commented on the revisions made the day before. Specifically, she questioned why communities of interests had been honored then but not before:

Last night Mr. Adelson said districts can go as high as 55% BVAP as long as it is a side effect of recognizing a community of interest and not an explicit attempt to

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create a majority minority District. This is frankly [] an astonishing reversal. You must reassess all VRA districts based on community of interest testimony. We doubt for example that Birmingham and Detroit are a genuine community of interest. And find it very objectionable they had to protest the low BVAP targets. You missed out on a ton of community of interest data because they were under the incorrect impression their communities of interest didn't matter for this analysis.

Id. at 9264-65. The Commission thanked her for comments and moved on.

Over the next two days, the Commission revised house districts in other areas of Michigan. None of these changes, however, substantially affected the November 2 adjustments to the Detroit districts. *See id.* at 9399-9400 (pointing out that the Commission imported all the November 2 Detroit-area districts into the map finalized on November 4). On November 4, the Commission made its final edits to the Detroit-area house districts. In doing so, it again reviewed black-voter populations and "VRA compliance" for many of those districts. (*E.g.*, "That is an Oakland County VRA District where we are trying to keep it above 40", *id.* at 9406; "This is one of our VRA districts we did not want to mess with", *id.* at 9407; "Black voting age population is 44.17", *id.* at 9410; "District 18 is now 45.34% Black", *id.* at 9419.)

At the close of their work on November 4, the Commission named its house map "Hickory," renumbered its districts, and advanced it to a 45-day public comment period. *See id.* at 9484-85. The Commission also renamed its last senate draft "Linden," renumbered its districts, and advanced it to public comment. *Id.* at 9503. The final black-voter population percentages for all the Detroit-area districts at issue here were as follows:

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District No.		1	3	6	8	10	11
	Date	BVAP	BVAP	BVAP	BVAP	BVAP	BVAP
Senate Map Plan 162	9/13/2021	10.98	50.82	76.56	63.77	18.1	7.8
Senate Map Plan 165	9/15/2021	34.86	44.87	51.99	59.06	49.38	11.02
Senate Map, Cherry	10/07/2021	37.04	42.84	40.64	42.45	36.63	20.02
Linden Plan	12/28/2021	35.03	42.09	39.15	40.25	40.43	19.19

District No.		1	7	8	10	11	12	14
	Date	BVAP						
House Map Plan 183	9/28/2021	28.62	79.04	54.09	42.74	65.66	43.74	38.33
House Map Plan 193	9/30/2021	36.58	66.54	50.37	58.44	49.23	43.74	39.91
House Map, Pine	10/08/2021	41.63	39.85	40.72	42.05	48.00	49.89	42.80
Hickory Plan	12/28/2021	38.03	44.29	43.70	38.79	42.82	40.99	41.11

F.

1.

Developments before final votes. The Commission set a date of December 28 for votes on its final plans. On December 9, however, Dr. Handley sent an email to Pastula, Adelson, Kim Brace (a software-mapping consultant), and Executive Director Suann Hammersmith, in which Handley said she had begun writing a report for the Commission, but had “run across a serious wrinkle that I would like to discuss. Is this possible?” R.114-6 at Page ID 3982.

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Apparently that discussion took place within a day or so, by way of a “Teams” meeting; because the next day Pastula sent an email to the Commission’s “Legal Team” of outside counsel (all or most of them litigators, including three who have represented the Commission in this case). Pastula referred back to Handley’s September 2 presentation to the Commission—which provided the “analysis” on which all the Commission’s BVAP efforts had been based—and reported the following:

I did want to circulate the information from the Teams meeting and we can address/more fully discuss when appropriate how to present this information to our client [*i.e.*, the Commission] prior to their vote. As indicated during the call, *the percentage ranges provided by Dr. Handley in her September presentation/charts and utilized during drafting did not correspond to the information she shared today.* The lack of primary election data generally as well as promised information regarding whether the white candidates are candidates of choice . . . are relevant.

R.114-7 at PageID 3984 (emphasis added).

Apparently one of the participants in the “Teams” meeting told Chair Szetela about it; because on December 15 she emailed Pastula as follows:

I am deeply concerned to have learned that you personally became aware of critical issues with Dr. Handley’s VRA analysis earlier this week and, in addition to not notifying the Commission about this alarming development, have also directed staff members, vendors, and the [Secretary of State staff] not to alert Commissioners as to the issue until the week of December 28th—almost two weeks away. It’s my understanding that Dr. Handley has informed you, staff, vendors, and members of the [Secretary of State staff] that her analysis was deeply flawed and that, as a result of her flawed analysis, not a single one of our Senate maps are VRA compliant. . . . In addition, it’s my understanding that you were hoping to conceal this information from the public by having yet another closed session the week of the 28th, which contradicts our mission, vision, and values.

Pl.’s Ex. 5 at 69.

On December 27, Szetela also emailed Handley directly, and pointedly asked whether “for the Michigan State Senate, districts with BVAP of 47% or lower” are “able to elect candidates of

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choice.” *Id.* at 21-22. Handley replied that the “minority preferred candidate wins all of the general election[s] above 35%” black-voter population. But she added:

Unfortunately, we do not have sufficient information to anticipate what might happen in the future Democratic primaries in the proposed districts. The reason is that we have only one statewide Democratic primary for which we can recompile results and minority voters were not cohesive in this primary. We simply do not know what would happen in a primary in which minority voters are cohesive.

Id. at 21.

2.

On December 28, at 10 a.m., the Commission reconvened to approve the final senate and house maps. Some commissioners said they were unhappy with the maps; others said they were happy with them. Szetela suggested that “we make some changes to accommodate public comments . . . particularly around VRA issues and particularly with primaries and democratic primaries and are these maps representative and do they actually provide the Black community in Detroit with the ability to elect. I think these are things we need to think seriously about[.]” *Id.* at 9877. Eid and Pastula alike said there was no time for that. So did Secretary of State Benson’s representative at the meeting. *See* MICRC Tr. at 9875, 9878-80.

Apparently, Dr. Handley had provided the Commission with her “report” an hour or two before (she undisputedly gave it to them that same day). Rothhorn’s impression of the report was that further “analysis must be undertaken” to confirm that black-preferred candidates could actually prevail in districts with the BVAP numbers that Handley had given them on September 2. *Id.* at 9880. Adelson gave a lengthy response in which (to summarize) he said that “I have no concerns based on her analysis that there are VRA compliance issues, issues that need to be addressed.” *Id.* at 9881. Szetela replied:

So, Mr. Adelson, so my specific concern reading Dr. Handley’s report is that when we were in Detroit . . . the comment we heard over and over and over again is you

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have to look at the primaries and we all know this is true especially in Districts that are heavily leaning democratic or republican the primary is where the real action is at for the election, whoever wins the primary is going to win the seat in that particular District.

And so we heard that very specific comments that we have to look at the primaries and very specific concerns about voter turnout which is also addressed in Handley's report as well and specifically the concern that when you have 35% or less than a certain number in districts which are supposedly VRA districts, those percentages for the Black community are not going to translate to the ability to win primary elections. And what I'm seeing in Dr. Handley's report is she has since validated that concern.

Id. at 9882-83. Adelson answered:

I disagree with your characterization of Dr. Handley's report she did not say 48% BVAP is required for bloc voters to elect candidates of choice. Much of the contrary. . . And her conclusion is that, yes, without—with the absence of additional primary election data we have to rely on what we have. What we have are general election results, recompiled election results, the gubernatorial primary from 2018.

Id. at 9883-84.

Szetela said that Dr. Handley's report "was a canary in the coal mine" and that she "continue[d] to have concerns because I want to make sure we do right by Detroit. I want to make sure we do right by the Black population, with our ability to elect who they want to elect." *Id.* at 9884-85. Kellom said she had "the same concern." *Id.* But Adelson said that "this is not October or early November. And there are issues that have been discussed with the reality of the calendar. So you know I appreciate your comments and your including me in the discussion." *Id.* at 9888.

The Commission proceeded to adopt—as its final redistricting plans—the "Linden" plan for the Senate and the "Hickory" plan for the House. The Linden plan reduced the number of majority-black senate districts in the Detroit area from two to zero; the Hickory plan reduced the same numbers for the House from ten to six. None of the districts challenged here have BVAPs at 50% or higher.

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G.

In March 2022, plaintiffs brought this suit against the Commission and Michigan Secretary of State Jocelyn Benson. In their complaint, plaintiffs challenged seven Detroit-area senate districts (1, 3, 5, 6, 8, 10, and 11) and ten Detroit-area house districts (1, 2, 7, 8, 10, 11, 12, 13, 14, and 26) under both the U.S. Constitution’s Equal Protection Clause and § 2 of the Voting Rights Act. The parties thereafter filed cross-motions for summary judgment. We denied plaintiffs’ motion and granted defendants’ motion in part. Specifically—on various grounds, some of them jurisdictional—we granted summary judgment to defendants on four of plaintiffs’ equal-protection claims (against House Districts 2, 13, and 26, and Senate District 5) and on eight of plaintiffs’ VRA claims (against House Districts 2, 8, 11, 13, and 26, and Senate Districts 5, 10, and 11). We denied summary judgment to defendants on thirteen of plaintiffs’ equal-protection claims (namely, against House Districts 1, 7, 8, 10, 11, 12, and 14, and Senate Districts 1, 3, 6, 8, 10, and 11). All those claims proceeded to a six-day bench trial, held in November 2023.

At trial, the parties called eleven fact witnesses, including six commissioners (Szetela, Rothhorn, Curry, Lange, Wagner, and Eid), Bruce Adelson, Dr. Lisa Handley, Virgil Smith (a former state senator from Detroit), and LaMar Lemmons III (a former house representative from Detroit). We discuss their testimony as relevant below. The parties also presented the testimony of five experts: Sean Trende, Dr. Handley, Dr. Brad Lockerbie, Dr. Maxwell Palmer, and Dr. Jonathan Rodden, all of whom submitted an expert report (Trende also submitted a supplemental report). Their testimony, as it turns out, is less important to our decision here. The parties also submitted more than 100 exhibits as evidence, including a complete transcript of the Commission’s proceedings, which totaled 10,603 pages. About 1800 pages of that transcript are particularly

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important here. This court has reviewed all the evidence in the record, including every page of the Commission's transcript.

II.

The Fourteenth Amendment's Equal Protection Clause "limits racial gerrymanders in legislative redistricting plans." *Cooper*, 581 U.S. at 291. Specifically—absent some compelling interest which a racial gerrymander is narrowly tailored to serve—the Equal Protection Clause bars a State "from 'separating its citizens into different voting districts on the basis of race.'" *Id.* (quoting *Bethune-Hill*, 580 U.S. at 187).

To prove an unconstitutional racial gerrymander, a plaintiff must prove that "'race was the predominant factor motivating'" the State's "'decision to place a significant number of voters within or without a particular district.'" *Cooper*, 581 U.S. at 291 (quoting *Miller v. Johnson*, 515 U.S. 900, 916 (1995)). To make that showing, a plaintiff must show that the State "subordinated other factors" to "racial considerations." *Id.* (cleaned up). A plaintiff can make that showing "even if the evidence reveals that [the State] elevated race to the predominant criterion in order to advance other goals, including political ones." *Id.* at 291 n.1; *see also Miller*, 515 U.S. at 914 (stating that the "use of race as a proxy" for "political interest[s]" is "prohibit[ed]").

We determine predominance district-by-district, though a plaintiff, "of course, can present statewide evidence in order to prove racial gerrymandering in a particular district." *Ala. Legis. Black Caucus v. Alabama*, 575 U.S. 254, 263 (2015) (emphasis omitted). A plaintiff can show racial predominance "though 'direct evidence'" of the State's intent, or circumstantial evidence, or "a mix of both." *Cooper*, 581 U.S. at 291. Evidence of "an announced racial target that subordinated other districting criteria" is important evidence "that race predominated" in drawing a district. *Id.* at 300-01; *see also Ala. Legis. Black Caucus*, 575 U.S. at 267.

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A.

The record here is almost oceanic in its direct evidence of intent. The relevant state actor in this case is the Commission. And the entirety of the Commission’s proceedings—the commissioners’ every word, as they drew every district, line-by-line, and often precinct-by-precinct—was transcribed. The thousands of pages of those transcripts reveal not only the commissioners’ every move as they drew and redrew legislative-district lines; it reveals also their reasoning, their motivations, their misgivings, in real time as they worked. In that respect this case is singular. We have carefully considered all the evidence in the record, including the testimony of six commissioners at trial, some two years after the fact. But the transcripts of the Commission’s proceedings are by far the most important and most probative evidence in the record here. Our findings based on this record now follow.

1.

Our first group of findings concern the Commission’s mapping process for Detroit-area districts generally.

a.

BVAP targets for Detroit-area districts. First, the Commission plainly acted under the constraint of across-the-board racial targets as it drew the boundaries of Detroit-area districts. By way of background, and to reiterate somewhat, Dr. Handley advised the Commission—on September 2, 2021, at the outset of its map-drawing process—about the BVAPs necessary for black voters to be able consistently to elect their “candidates of choice.” Specifically, she said, “[i]n Oakland County, 35% is going to work. 40 percent looks like it might work. In Wayne County where we have a lot more white crossover vote 35% might well work.” MICRC Tr. at 5386. (Those percentages were based only on general-election data, which rendered them close

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to useless in predicting the success of black-preferred candidates in contested primary elections; but neither she nor Adelson flagged that distinction for the Commission. *See, e.g.*, Def.’s Ex. 48 at 16-17.) Bruce Adelson then told the Commission that Handley’s analysis would be “very crucial[,] very important” for the Commission’s map-drawing in those counties. More to the point, Adelson treated those BVAPs as a ceiling, not a floor, in drawing districts in those counties. Specifically—on September 2, in his capacity as the Commission’s “voting rights act legal counsel”—Adelson told the commissioners that BVAPs higher than Handley’s numbers would amount to “packing” in violation of the VRA. He told them on September 2:

But to the point about packing, remember that the [sic] if a district can be established through analysis to be able to elect candidates of choice of the minority community at let’s say 40%, if you add on population to that, the courts constitute that as packing.

MICRC Tr. at 5389.

Handley’s numbers—plus what Adelson sometimes called a “cushion” of about 5%—yielded target BVAPs of 35-40% in Wayne County and about 40-45% (sometimes narrowed to 42-43%) in Oakland County. *See, e.g., id.* at 7230 (“the range for Detroit was 35-40%, Oakland County was above 40%.”); *id.* at 7440 (“What Dr. Handley’s racial bloc voting analysis has given the Commission is the benchmarks and the guide rails for each of the Counties that need to be adjusted. [In] Wayne County [it] is 35-40% And Oakland County is 42, 43%.”); *id.* at 7495 (“Dr. Handley in her analysis referenced Oakland County as having a 40% approximately [sic] threshold, not 35% 42-43% That is a good kind of benchmark guidepost.”); *id.* at 7563 (“remember it’s 35-40% in Wayne County. 40-45% in Oakland.”). And Adelson thereafter told the commissioners, more than 100 times—sometimes directly, sometimes more obliquely—that BVAPs in excess of those targets, in districts in those counties, would potentially violate the VRA. *See, e.g.,* MICRC Tr. at 5810 (“One of the things that I would strongly advise and something that

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we will be talking about a lot over the next couple of weeks is really study and internalize Lisa Handley's, Dr. Handley's PowerPoint And what I would suggest in moving forward in the areas where you are now, typically aim for Black populations in the roughly 40-45% range."); *id.* at 6201 ("Any District that has majority-minority VAP I think you should aim to let's see what we can do to kind of [potentially] unpack that based on Dr. Handley's analysis. . . . Because just as Dr. Handley said if you can elect 35%, 40%, then why would you add 40, 50% minority population?"); *id.* at 6688 ("I have to go back to what Dr. Handley analyzed and concluded in early September. That her threshold is the 35-40%. Which is I agree with that."); *id.* at 7199 ("I think that I would recommend focusing on the percentages and comparing them to Dr. Handley's percentages for Wayne County which as I recall is 35-40%."); *id.* at 7481 ("And it is the Supreme Court has made it very clear that if you pack voters, if voters are put in a District in [ex]cess of what racial bloc voting analysis shows, that's an issue. And I know we have talked about that. And we are going to continue to adhere to it[.]"); *id.* at 7482 (regarding the cushion: "So I think as Dr. Handley and I had said previously since they are estimates they are not adhering to absolute 35-40% is not something that in my cautious preference that I necessarily would recommend. Having a range, 35-40%, 40-45%, yeah, I think that is more advisable."); *id.* at 7646 ("Looking at [what] the law says and what Dr. Handley analyzed and Dr. Handley's analysis is in Wayne County BVAP and Black voters can elect candidates of choice at 35%. So if you make a District a majority minority District when that additional population goes beyond the ability to elect that is where you get more involved attempts at justification."); *see also id.* at 5650, 5813-15, 5816, 5821, 5822, 5826, 5828, 5834, 5844, 5845, 5847, 5849, 5871, 5876, 5877, 5881, 6189, 6201, 6202, 6203, 6217, 6219, 6221, 6419, 6420, 6426-27, 6430-31, 6432, 6433, 6445, 6446, 6454, 6508, 6513, 6515-16, 6525-26, 6526, 6566-67, 6568, 6573, 6574-75, 6596, 6619-20, 6625, 6633-34, 6672, 6684-85,

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6688, 6717, 6718, 6721-22, 6725, 6726-27, 6935, 6948, 7068-69, 7070, 7071, 7073, 7164-65, 7167, 7181, 7183, 7186, 7187-88, 7189, 7192-93, 7198, 7199, 7201, 7223-24, 7225-26, 7272, 7277, 7279, 7280, 7281, 7282, 7283-84, 7284, 7285, 7286, 7287, 7289, 7345, 7346, 7347, 7481, 7482, 7484-85, 7487, 7489, 7493, 7494, 7495, 7497, 7499, 7500, 7504, 7509, 7515, 7539, 7559, 7560, 7580, 7641, 7644, 7646, 7649, 7651, 7652, 7656, 7660, 7662, 7666, 7688, 7690, 7692-93, 7693-94, 7731, 7768, 7781, 7784, 7785, 7835, 7883, 7904, 8046, 9103, 9959.

The Commission's general counsel, Julianne Pastula, likewise repeatedly advised the Commission to reduce the BVAPs in Detroit-area districts to the target ranges. *See, e.g., id.* at 7226 (“What I would recommend is that the Commissioner consider doing is for the active matrix to scroll starting with 1 and glance at the districts, anything that is higher than 40% for the Black voting age population and the population difference I mean just to glance at and just go down the list and then when we get to I anticipate number 6, number 18, and others that those quote unquote fixes can be dealt with and then this map can be ready for the partisan fairness analysis”); *id.* at 7227 (“start with the data chart and look at the list starting with one and I would recommend anything with a higher than 40% Black voting age population be looked at”); *id.* at 7229 (“start again with the list at District 1 and look at that the Black VAP, if it's above that 40% particularly in the Metro Detroit area how can that minimized . . . look at the Black voting age population and proceed from there”); *id.* at 7436 (“So I believe Mr. Adelson did say if the effort was to be made to get those Metro Detroit districts closer to the 30 to 40% range that would be an excellent use of time”); *id.* at 7438 (“I think those districts that were up around and over 50% Mr. Adelson's direction was to try to get those lower, to make the effort to get those lower. Particularly in the Metro Detroit Area”); Pl.'s Ex. 5 at 45 (email to Szetela: “Bruce and I are very concerned about

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the drafting of the packed districts that is occurring during today’s mapping session”); *see also id.* at 5734, 5921, 6672, 6767, 6768, 7230, 7243, 7440, 7441.

The commissioners fully internalized these BVAP targets, and not only complied with them but exhorted each other to do so. *See, e.g., id.* at 6434 (Clark: “what I’m trying to do is reduce the Black population”); *id.* at 6640 (Rothhorn: “And I do think that the margins with you know 36% was the threshold that was established by Lisa [Handley] so I think we are not too far over that [at] 38%. I think Bruce has said right 40% . . . At this point what we have done is a nice job of unpacking the old districts and getting a better . . . racially mixed balance.”); *id.* at 7439 (Rothhorn: “But I think we can interpret from their advice is if we don’t try to get to 35%, we have not done our due diligence and therefore we may be exposing ourselves to a legal risk we might be able to defend ourselves but can’t guarant[ee] that.”); *id.* at 7283 (Eid: “I know our analysis has said that it only takes about 35-40% of Black voting age population to elect candidates of choice for [the black] community. But I think my most basic question is: What is the highest percentage it can be to fend off legal challenges in the future?”); *id.* at 7435 (Szetela: “So that is what Bruce was saying to us last week and said it repeatedly we should aim between 35-40% African/American because those numbers [are] VRA compliant.”); *see also id.* at 5733, 5747, 5748, 5757, 5766, 5829, 5834, 5843, 5847, 5871, 5872, 5875, 5898, 5899, 5903, 5904, 5912, 5914, 5915, 5917, 5918, 5919, 5924, 5926, 5937, 5967, 6204, 6205, 6215, 6220, 6221, 6410, 6411, 6412, 6414, 6427, 6429, 6434, 6436, 6438, 6458, 6482, 6511, 6512, 6515, 6518, 6523, 6558, 6559, 6560, 6563, 6565, 6571, 6572, 6573, 6589, 6590, 6596, 6602, 6613, 6614, 6617, 6622, 6637, 6640, 6661, 6662, 6663, 6664, 6668, 6669, 6670, 6671, 6673, 6674, 6675, 6680, 6682, 6683, 6685-86, 6716, 6717, 6718, 6720, 6723, 6764, 6765, 6766, 6768, 6769, 6773-74, 6774, 6782, 6783, 6785, 6786, 6787, 6788, 6804, 6805, 6806-07, 6821, 6852, 6853, 6860, 6900, 6937, 6937-38, 6939, 6940,

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6946, 6947, 7068, 7070, 7074-75, 7075, 7168, 7169, 7173, 7182, 7185, 7188-89, 7190, 7191, 7194, 7197, 7198, 7200, 7201, 7219, 7219-20, 7220, 7221, 7222, 7223, 7225, 7227, 7229, 7229-30, 7230, 7231, 7231-32, 7232, 7233, 7234, 7235, 7235-36, 7236, 7237, 7238, 7240, 7241, 7242, 7242-43, 7243, 7244, 7270-71, 7273, 7275, 7276, 7277, 7278, 7283, 7285, 7287, 7289, 7343, 7343-44, 7344, 7346, 7348, 7349, 7433-34, 7434, 7435, 7436, 7436-37, 7438, 7439, 7440, 7441, 7442, 7443, 7444, 7445, 7446, 7447, 7448, 7449, 7450, 7451, 7464, 7468-69, 7469, 7472, 7473, 7474, 7475, 7476, 7478, 7479, 7480, 7481, 7483, 7484, 7492, 7509-10, 7510, 7513, 7514, 7515, 7516, 7517, 7558-59, 7560, 7576, 7578, 7580, 7581, 7582, 7622-23, 7627, 7639, 7648, 7649, 7651, 7652, 7653, 7654, 7655, 7656, 7657, 7658, 7659, 7660, 7662, 7663, 7664, 7665, 7667, 7668, 7669, 7672, 7675, 7676, 7677, 7679, 7685-86, 7687, 7688, 7689, 7691, 7695, 7696, 7697, 7698, 7699, 7726, 7727, 7728, 7729, 7730, 7733, 7735, 7781, 7785, 7802, 7822-23, 7883, 7891, 7896, 7896-97, 7901, 7903-04, 7904, 7905, 7926, 7931, 7949, 7960, 8099, 8100, 8840, 8859, 8883, 8898, 9011, 9321, 9357-58, 9942.

Relatedly, the commissioners equated hitting their BVAP targets with VRA compliance. Indeed, the commissioners used the terms “VRA” or “VRA compliance” as synonyms for hitting their BVAP targets. Those references are too numerous to collect here—they appear *passim* throughout the transcripts of the Commission’s work on Detroit-area districts (which the commissioners called “VRA districts”). But we offer some examples along those lines. *See, e.g., id.* at 7201 (Rothhorn: “[T]hat is changed because of [sic] to better comply with VRA bringing down the Black voting age population to a range that is closer to 40% actually reducing it.”); *id.* at 7229 (Orton: “So we are going to go through and we are going to look at anything above 40% because we want to be [sic] make sure that the whole plan is VRA compliant.”); *id.* at 7343-44 (Szetela: “District 2 was originally 60.73%. Voting age population African/American it’s now

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down to 46. 3 was 28 and I brought it up to 40 so it's a little more balanced. 6 was 64%. It's now down to 48%. 8 was 52% it's now down to 35%. 14 was at 59% it's now down to 49%. 15 was at 49% it's now down to 42%. And then 18 which was one of our big problem districts was at 76% and it's now down to 38%. So I have on that list three districts that are above 50, a 53.24 which is 4, 51.9, 50.89 but everything else is below 50%. So like I said it's just a thought. I mean I think we can accomplish what Mr. Adelson is suggesting we do. It's just going to require a little creativity and like I said I certainly don't think this is a final map. We could definitely move some of these lines make things a little fatter or skinnier to make them not look so long and skinny but the point is I think it's a little closer to a VRA compliant plan than what we had."); *id.* at 7445 (Szetela: "Yeah, I think you accomplished VRA with 6. You are just a hair over 40% and we are supposed to be between 35-40 so you are good there."); *id.* at 7474 (Rothhorn: "District 9 is lower so it's even more compliant with 38.6% so I think it's a positive with the numbers."); *see also id.* at 5733, 5747, 5748, 5757, 5765, 5767, 5829, 5834, 5843, 5847, 5871, 5872, 5875, 5898, 5899, 5903, 5904, 5912, 5914, 5915, 5917, 5918, 5919, 5924, 5925, 5926, 5937, 5967, 6204, 6205, 6215, 6216, 6220, 6221, 6223, 6410, 6411, 6412, 6414, 6427, 6428, 6429, 6434, 6436, 6438, 6458-59, 6482, 6511, 6512, 6515, 6516, 6523, 6559, 6560, 6563, 6563-64, 6564-65, 6566, 6571, 6572, 6573, 6589, 6590, 6596, 6602, 6613, 6614, 6617, 6622, 6638, 6640, 6661, 6662, 6663, 6664, 6668, 6669, 6670, 6671, 6673, 6674, 6675, 6680, 6682, 6683, 6685-86, 6716, 6717, 6718, 6720, 6724, 6764, 6765, 6766, 6768, 6769, 6773-74, 6674, 6782, 6783, 6785, 6786, 6787, 6788, 6804, 6805, 6806, 6821, 6822, 6852, 6853, 6860, 6900, 6913, 6937, 6938, 6939, 6940, 6946, 6947, 7068, 7070, 7074, 7075, 7168, 7169, 7173, 7182, 7185, 7188-89, 7190, 7191, 7194, 7197, 7198, 7200, 7201, 7219, 7220, 7221, 7222, 7225, 7227, 7228, 7229, 7229-30, 7231, 7231-32, 7232, 7233, 7234, 7235, 7236, 7237, 7238, 7240, 7241, 7242, 7242-43, 7243, 7244, 7270-71, 7273, 7275, 7277,

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7278, 7285, 7287, 7343, 7343-44, 7344, 7346, 7348, 7433, 7433-34, 7435, 7436, 7436-37, 7438, 7439, 7440, 7441, 7442, 7443, 7444, 7445, 7446, 7447, 7748, 7449, 7450, 7451, 7452, 7464, 7469, 7472, 7474, 7476, 7478, 7480, 7483, 7493, 7509-10, 7510, 7513, 7515, 7516, 7517, 7520, 7558-59, 7576, 7578, 7580, 7581, 7582, 7622-23, 7626, 7639, 7642, 7647, 7667, 7675, 7679, 7685, 7696, 7698, 7699, 7726, 7727, 7729, 7781, 7785, 7802, 7822, 7883, 7891, 7896, 7896-97, 7901, 7903, 7904, 7905, 7926, 7931, 7960, 8053, 8095, 8159, 8942, 9102.

Next—crossing the line from direct to circumstantial evidence, albeit barely—the commissioners continually monitored the BVAPs of Detroit-area districts as they drafted them, using the racial-percentages tool that Kim Brace had told them about on September 2. *See, e.g., id.* at 7277 (Orton: “Okay, so before you did this . . . the voting age Black population in District 4 was 41.2% which is quite a bit closer to the target that we are going for. Now it’s a lot higher I thought we were going 35-40% so [it is] way out from what I’m thinking.”); *id.* at 7446 (Szetela: “Brought your African/American below 40%. So now you are perfectly in the sweet spot of 35-40. All right.”); *id.* at 7453 (Rothhorn: “Started 57.32 now we are 44.13 nice work.”); *id.* at 7449 (Lett: “What’s the target for Macomb? Oakland.” Rothhorn: “Oakland County the target is 42 to 43ish.” Lett: “We are kind of splitting the difference right now.”); *id.* at 7464 (Rothhorn: “Correct so [this district] went from 50 to 40.7% so that is excellent.”); *id.* at 7657 (Clark: “So eight is another this is going to be in Wayne County and Macomb County I believe yeah so what are we focusing towards here? Wayne, we said 35 to 40% Macomb had nothing [and] we are currently at 35.71 so if we raised it to 40, I think we will okay.”); *see also id.* at 5733, 5748, 5757, 5829, 5838, 5843, 5875, 5898, 5902, 5917, 5924, 6213-14, 6219, 6221, 6414, 6422, 6425, 6426, 6428, 6432, 6433, 6436, 6471, 6483, 6484, 6511, 6518, 6525, 6562, 6565, 6572, 6581, 6615, 6617, 6617, 6618, 6633, 6640, 6670, 6671, 6676, 6678, 6683, 6684, 6686, 6724, 6726, 6765, 6774, 6785, 6804,

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6937, 7194, 7198, 7229, 7231-32, 7232, 7235, 7236, 7236, 7240, 7241, 7270-71, 7275, 7276, 7277, 7278, 7280, 7282, 7283, 7288, 7343, 7344, 7435, 7438, 7439, 7442, 7443, 7444, 7445, 7446, 7447, 7448, 7449, 7452, 7453, 7454, 7455, 7456, 7457, 7460, 7464, 7473, 7474, 7475, 7476, 7479, 7480, 7481, 7484, 7487, 7488, 7493, 7494, 7495, 7496, 7497, 7499, 7500, 7501, 7502, 7503, 7512, 7513, 7514, 7515, 7539, 7558, 7560, 7561, 7576, 7580, 7639, 7642, 7643, 7646, 7647, 7649, 7651, 7652, 7653, 7654, 7655, 7656, 7657, 7658, 7659, 7660, 7662, 7663, 7664, 7665, 7669, 7671, 7672, 7676, 7677, 7687, 7731, 7749, 8046, 8102, 8103, 8104, 8159, 8856-57, 8859, 8862, 8898, 8924, 8942, 9007, 9008, 9011, 9102, 9103, 9133, 9204, 9217, 9218, 9219, 9237, 9330, 9357.

Further circumstantial evidence of the Commission’s BVAP targets is that—with one exception—the BVAPs for all the districts challenged here fell within them. Admittedly, the Commission’s BVAP target ranges were not always perfectly clear as the commissioners and their counsel referred to them throughout the Commission’s work on these districts. Those targets did not take the form of positive law. But those references always fell within a BVAP range of 35-45%, which tracks Handley’s original numbers plus Adelson’s “cushion.” And though Detroit’s population is almost 80% African-American, 12 of the 13 districts at issue here ended up with BVAPs between 35.03% and 44.29%. The only exception is Senate District 11, which has a BVAP of 19.19%. And most of the African-American voters in that district were put there in order to lower the BVAP of an adjacent district. *See infra* at II.A.3.a.vi.

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b.

Subordination of other criteria. We also find that the Commission subordinated all other redistricting criteria to their target BVAPs in Detroit-area districts. Indeed, commissioners did so expressly.

First, the commissioners subordinated the criterion of “partisan fairness” to hitting their BVAP targets in Detroit-area districts. Partisan fairness ranks fourth in the hierarchy of the Michigan redistricting criteria, well after compliance with federal law (and specifically the VRA), which comes first. Mich. Const. art. IV, § 6(13). And (as noted above) the Commission equated hitting their BVAP targets with VRA compliance. Meanwhile, the Commission could not measure partisan fairness without a completed draft map (house or senate) for the entire State. Dr. Handley herself told the Commission as much when she presented to the Commission on October 1. MICRC Tr. at 7380 (“And you have to have a complete plan. This can only be done off a complete plan.”). Thus, partisan fairness is barely mentioned in the Commission’s meetings until October 6, when the Commission began its first partisan-fairness assessment (of its first completed drafts of house and senate maps).

When the Commission did turn to this criterion, they expressly avoided making any substantial partisan-fairness revisions to the Detroit-area districts, for fear of upsetting their “VRA compliance” (for which, again, hitting the BVAP targets was a proxy). On October 6, as the Commission began its “partisan fairness” assessment, Adelson advised the Commission not to make changes to Detroit-area districts on account of partisan fairness:

[M]y suggestion is we avoid districts that have VRA implications. We have a list of several other districts and some other possibilities. So in the interest of facilitating the partisan fairness adjustments our recommendation would be to move to districts that are not in the Metro Detroit area. And address other districts as we can.

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...

Our recommendation is we avoid those [Detroit-area districts]. Because adjusting in those areas will just make things unnecessarily complicated. I think that there are a lot of areas that potentially we can look at that just don't implicate these considerations, thank you.

Id. at 7781-82; *see also id.* at 6189 (“[I]f you can achieve other goals that are lower down on the list of criteria [than VRA], that’s a policy choice for you all. If they conflict, the Voting Rights Act, the 14th amendment win.”); *id.* at 7167 (“[Y]our legal team agrees that Friday is significant in that Dr. Handley will hopefully be able to present partisan fairness. But it is important and I’m sorry I’m going to speak for you. I will speak in one voice that the legal team strongly believes there are issues in addition of course to the partisan fairness. There are many voting rights issues and just in talking about the packed districts in Wayne County So there are other considerations. Certainly we agree with the partisan fairness and that is significant. But there are other issues.”); *id.* at 7784, 7785-86, 7904.

Dr. Handley likewise reminded the Commission that, whereas “it’s going to be a balancing act between voting rights and partisan fairness,” it is “not an equal *balance because the Voting Rights Act trumps partisan fairness.*” *Id.* at 7409 (emphasis added); *see also id.* at 7386 (stating with regard to partisan fairness: “But especially, again, you have the Voting Rights Act and other things you have to consider.”); *id.* at 7387 (“Again this is probably a legal question more, but it seems to me the [Michigan] Constitution does prioritize for you. And you know what comes first and what comes next.”); *see also id.* at 7382.

The Commissioners followed this guidance. *See, e.g., id.* at 7782 (Eid: “But we do not want to mess with 17, 14, because those are the VRA districts. Probably five as well just because of how it looks drawn.”); *id.* at 7785 (Eid: “The reason I didn’t [change these districts is] because they are two VRA districts.”); *id.* at 7785 (Orton: “We spent so many hours getting those balanced

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I think we should ignore or leave those alone We are trying to get partisan fairness. But that is a VRA issue, right?"); *id.* at 7816 (Commissioner Clark: "I agree Steve and I don't want to go back into Detroit. I think it's a spider's web to try to sort out again. I think we got it as I recall the way we want it. And so we should deal with everything outside that at this point."); *id.* at 7960 (Eid: "14 was drawn that way with Pontiac for VRA reasons so we might not want to change that one too much."); *id.* at 8053 (Eid: "For example lopsided margins test that one especially we are not going to be able to get it to 0 because of how we have drawn some of the VRA districts to be compliant."); *id.* at 7520, 7521, 7544, 7737, 7781-82, 7884, 7891, 7897, 7905, 7940.

The Commission likewise subordinated preservation of communities of interest to their "VRA compliance" (for which, again, hitting the BVAP targets was a proxy). Indeed, the commissioners frequently expressed their unhappiness about it. *See, e.g., id.* at 5747 (Szetela: "I appreciate and I did give it some thought but I'm trying to balance the Voting Rights Act against preferences because Voting Rights Act is our number one so I'm trying to make sure we don't get concentrated populations like we have in District nine . . . we received public commentary saying they did not want to be with Grosse Pointe and it's kind of mixed but doing it this way will us a more balanced from a voting rights and secondary is communities of interest."); *id.* at 6429 (Orton: "Looking at this overall, I have a comment which I think will be very unpopular. But I think it's maybe worth having a discussion about. The only way I see to make these districts make more of these Districts more balanced racially is to break up communities of interest. Because the only places I see are Hamtramck, Dearborn, Dearborn [H]eights, and the Grosse Points that you know show as not African/American. We know that there are certain populations in certain communities of interest in those and other areas. But I think we need to discuss what trumps. And we know that is VRA."); *id.* at 7242 (Eid: "And I hate to split them up but I think for this house map I don't

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see another way to do it because that is where the white population is around Detroit. We've already covered you know the other areas like Livonia for example. And Dearborn as well, which was split up the other day. So, I mean, I'd be welcome to any advice from anybody to figure out a way to not split it up but I think right now what we've heard is this map is currently not compliant and we need to get it to be compliant."); *id.* at 7444 (Witjes: "Don't worry if Harper Woods wants to be there or community of interest where Harper Woods should be. That should be not [sic] something we're looking at. We should be going into looking at just complying with the Voting Rights Act. And if we have to go in there don't let that be a reason as to why because you're thinking about public comment, go straight off the numbers to get where we need to be on with [VRA] stuff. And then go look at communities of interest."); *id.* at 7510 (Eid: "I mean I understand why we did it to become VRA compliant But it does have a significant change on communities of interest. . . . I think while it . . . might be better for VRA reasons it's really much worse for community of interest reasons."); *id.* (Rothorn, responding to Eid: "I think you are speaking to many of us who are challenged by it and if we refer back to criteria number one as VRA and we are trying to achieve compliance and we've drawn communities of interest, drawn with communities of interest in mind and trying to get voting rights compliance which is number one not number three so I think unfortunately that is the shortest and quickest answer to your question. I know it hurts believe me."); *see also id.* at 5671, 5899-90, 5912, 5914, 5915, 5917-18, 6202, 6411, 6412, 6436, 6573, 6617, 6618, 6619, 6621, 6622, 6685-86, 6774, 6804, 7242, 7348, 7450-51, 7468, 7469, 7822.

We therefore find, as to the Commission's mapping process for Detroit-area districts generally, that the Commission adopted "an announced racial target" to which it "subordinated other districting criteria[.]" *Cooper*, 581 U.S. at 300.

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2.

The Commission (in this litigation) disputes that finding on various grounds. The evidentiary bases, for most of the Commission’s arguments as to racial predominance generally, are a modest number of citations to the trial transcripts. The Commission has little to say about the 10,000-page contemporary record of its actions, or about the voluminous evidence of predominance catalogued above. But we address its handful of arguments in turn.

a.

The Commission first argues—citing trial testimony that in total runs just over two pages—that “[f]our commissioners attested [at trial] that race did not predominate.” R.115 at PageID 4015. But as an initial matter, the Commission’s chair, Rebecca Szetela, testified before those four commissioners did; and since their testimony refers to hers, we briefly recite some of hers first.

Szetela’s testimony echoed in large part the Commission’s hearing transcripts themselves. At trial, Szetela testified that—after Dr. Handley provided the Commission with the results of her racially polarized voting analysis on September 2—Adelson repeatedly told the commissioners that the “requirement of the law is to avoid packing minorities into districts above and beyond the percentage at which analysis is determined they need to elect candidates of choice.” R.112 at PageID 3640; *compare, e.g.*, MICRC Tr. at 5810 (Adelson: “Packing means adding or including additional minority voters typically the ones needed to elect what we call candidates of choice.”).

Szetela also testified that, “[o]nce we had received that analysis from Lisa Handley it became all about race At the direction of Mr. Adelson.” R.112 at PageID 3652; *compare, e.g.*, MICRC Tr. at 7439 (Rothhorn: “I think what we can interpret from [our legal counsel’s] advice is if we don’t try to get to 35%, we have not done our due diligence and therefore we may

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be exposing ourselves to a legal risk [for a VRA violation] we might be able to defend ourselves against but can't guarant[ee] that."). Relatedly, Szetela testified that—with Adelson's encouragement—the Commission drew districts that stretched into areas where it knew “that white voters” lived. R.112 at PageID 3646. She also testified, as to the line-drawing process, “we're just focused on bringing down the black population in Detroit, stretching those districts out into the suburbs surrounding Detroit to add white voters, making the districts thinner and skinnier within Detroit to reduce black voters and trying to hit those targets of 35 to 40 percent and 45 to 50 percent.” *Id.* at PageID 3651. That districting strategy was necessary, Szetela testified, “[b]ecause the population is just so concentrated that if you pull black people out of one neighborhood and move them into another neighborhood in Detroit, it's just not going to fix the problem because that's where people live.” *Id.* at 3684. The results of the line-drawing process itself support all those assertions.

Szetela also testified that, “[a]ny time there was a conflict between a community of interest and Voting Rights, the Voting Rights Act prevailed.” *Id.* at 3663-64; *compare, e.g.*, MICRC Tr. at 6619-20 (Adelson: “I think that the issues about communities of interest and keeping sort of communities together as I've read a lot of public comments in general But I think it is very important from a compliance standpoint to look at the ranked criteria and the number one criteria is the U.S. Constitution and Federal law.”); *id.* at 7242 (Eid: “So, I mean, I'd be welcome to any advice from anybody to figure out a way to not split it up but I think right now what we've heard is this map is currently not compliant and we need to get it to be compliant.”). For example, Szetela testified that, when the Commission drafted Senate District 8, it “grab[bed] Birmingham, which is an extraordinarily wealthy [and] white area,” and “pulled [it] into Detroit.” R.112 at PageID 3734; *compare, e.g.*, MICRC Tr. at 7451 (Clark: “When you go into Birmingham, we are

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stretching this all the way from mid-Detroit all the way up there.” Szetela: “What other way is it to get VRA [compliance]?”). She likewise testified that, as to Senate District 3, the Commission drew the lines from inner Wayne County to “out farther into Macomb and Oakland counties” to add white voters. R.112 at PageID 3741-42; *compare e.g.*, MICRC Tr. at 7449 (Szetela: “I think it’s good. I think you brought [the BVAP] down . . . you are right in the sweet spot at this point.”).

Yet Anthony Eid—the first of the four commissioners whose testimony the Commission now cites—disagreed with Szetela’s testimony. Eid was the Commission’s principal fact witness at trial. In testimony that the Commission now cites, Eid said that “there was no BVAP target and we could not use a target” in the Commission’s map-drawing in Detroit-area districts. R.104 at PageID 2852. But that assertion is belied not only by hundreds of citations to the contemporary record cited above, but by Eid’s own statements during the mapping process. For example, on September 30, 2021, alone, Eid said all of the following:

What is the Black VAP on [draft house district] 21 currently? Still 64 so it’s still high, higher than I think we would like it to be.

I hate to split them [*i.e.*, a Grosse Pointe COI] up but I think for this house map I don’t see another way to do it because that is where the white population is around Detroit.

MICRC Tr. at 7241-42.

I think the purpose [of some changes Eid had just made to the map] was to shift the Black voting age percentage from District 4 I’m sorry District 6 which was at 67% lower. So now instead of having one District way over on the percent we [ne]ed to hit we have two that are close to being around the 45-55% range which I think is more in line with what we need to get than the 68% range it was at before.

Id. at 7277.

what is the actual target we need to hit. As you said earlier, we are not going to be able to get to 35-40 percent for every one of these Detroit districts I mean I don’t see a way to do it.

Id. at 7283. Similarly, on October 4, Eid said:

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Mr. Adelson, I appreciate all of the advice that you give us but I got to be honest I'm becoming increasingly uncomfortable with this direction we're going under. . . . But it's just making me a little uncomfortable having to hit these percentages that are low I would be more comfortable with 45% but 35% thank you Commissioner Curry. (Who then says: "Absolutely I'm in full agreement with you.").

Id. at 7483. The Commission also cites the following testimony from Eid with regard to predominance:

This was a multi-factorial and multi-variable process that included many different variables, as we've talked about today and will talk about over the next few days, and it created a situation where we took a holistic view at all of the variables and not just one. There was not one issue that predominated over this process.

R.104 at PageID 2845. Eid's testimony as to racial predominance, however, was palpably rote and rehearsed. He repeated over a dozen times, for example, that the Commission had "many reasons" for its line-drawing decisions in the districts at issue here. *See id.* at PageID 2867, 2869, 2872, 2874, 2876, 2877, 2879, 2882, 2885, 2892, 2895, 2900, 2905, 2912. All that testimony was more scripted than probative.

Finally, though we take no pleasure in mentioning it, cross-examination revealed that—the year before Eid joined the Commission—another public entity had formally sanctioned Eid for dishonesty. *Id.* at PageID 2943, 2945-47. And Eid's testimony before us was by turns implausible and evasive. In demeanor and substance alike, Eid was not a credible witness.

The other three commissioners whom the Commission cites now were on the whole credible witnesses. Commissioner MC Rothhorn, for example, was an open, direct, and engaging witness. In testimony the Commission cites here—and in response to a question whether "the Commission let issues of race dominate this criteria"—Rothhorn answered, "[m]y personal memory is no, and it sure seemed like it when [Szetela's] testimony was being given, but my memory is no." R.112 at PageID 3771. A few minutes before, however, Rothhorn testified that

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his memory on this issue was “foggy” and that “[Szetela’s] memory was really great.” *Id.* at PageID 3766. And in nearly the same breath Rothhorn testified that, “I think with the first criteria being population and the Voting Rights Act, it was very important to get that one right first.” *Id.* Rothhorn also agreed that many of the Commission’s revisions to its maps involved “lowering the black voting age population,” and that the purpose of those revision was “I think to comply with the Voting Rights Act.” *Id.* at PageID 3765. Relatedly, Rothhorn testified that the Commission had used the “spoke” concept in mapping, and that its purpose was to “[m]ove out of the Detroit area where the black population is into the suburbs where the white population is.” *Id.* at PageID 3776. And when asked “[w]ere you ever yelled at for drawing districts in Detroit that had BVAP levels that were too high[,]” Rothhorn answered:

So, I certainly appreciate the sentiment. I don’t—I honestly don’t remember, but I remember extreme tension and feelings of—yeah, that feeling of being yelled at or—yeah.

Id. at PageID 3772.

In the contemporary record, too, Rothhorn regularly discussed the Commission’s BVAP target. For example, on one occasion he told a commissioner, “[w]e are currently at 43.25 so you want to try to get it to 35-40” percent BVAP and reminded him that “we are not focusing on” communities of interest. MICRC Tr. at 7446-47. Later, he told another commissioner that in “Oakland County the target is 42 to 43ish.” *Id.* at 7449. He also said, “I think what we can interpret from [our legal counsel’s] advice is if we don’t try to get to 35%, we have not done our due diligence and therefore we may be exposing ourselves to a legal risk we might be able to defend ourselves against but can’t guarant[ee] that.” *Id.* at 7439.

The Commission also cites the testimony of Juanita Curry. Specifically—in response to the question whether “the Commission let issues of race dominate in its application of this

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criteria”—Curry testified that, “[t]o my knowledge, I was not even thinking on that level at all throughout my whole process. It never dawned on me that we would even do anything like that so, no.” R.112 at PageID 3789. But Curry’s memory of the Commission’s proceedings was perceptibly shaky at trial. *See, e.g., id.* at PageID 3784-85. And during the Commission’s meetings themselves, for example, her revisions to one district “took out a lot of African/American population.” MICRC Tr. at 7235. Yet the BVAP for that district remained high, and she said the “only way to go is up north” to reduce it. *Id.* at 7239.

Finally, the Commission cites the testimony of Erin Wagner. Specifically—in response to a question whether “the Commission allowed partisan fairness to take priority over other considerations”—she testified:

I think, yes, we did—we did do that, but I also think that we just—we were 13 citizens that didn’t know what we were doing, and we were looking to people that were, you know, told—we were told were experts, so of course you’re going to lean on expert’s opinion.

R.112 at PageID 3807.

But Wagner also testified that she had felt like mapping Detroit-area districts was like playing “Blackjack,” explaining:

we were listening to all the people in Detroit and all the African American people state what their communities of interest were, and I was under the assumption, like [Rothhorn], that communities of interest was the main thing, but when we were given the percentages that we had to get down by, we were constantly having to drop those BVAP percentages down.

Id. at PageID 3803-04.

The testimony of none of these witnesses remotely displaces any of our findings based on the voluminous record evidence catalogued above.

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b.

The Commission also asserts that “[p]olitics better explains the lines” of the districts at issue here. R.115 at PageID 4016. As support, the Commission invokes not a word from the contemporary record of its work. And the Commission concedes that—unlike the racial-percentages tool, which the Commission employed on its mapping software from day one—its partisan-fairness tool was not activated until early October 2021. *Id.* at PageID 4018. Yet the Commission asserts that “the Commission” evaluated “every single” one of its completed maps for partisan fairness as they worked in September. *Id.* (alteration omitted). As support, the Commission cites the following testimony from Eid, which reads in full:

Every single time we completed a map, before we got our own internal partisan fairness tool, I would upload our completed maps into [third-party online] software to figure out if we were on the right track or not.

R.104 at PageID 2829.

We have no reason to doubt that Eid did as he said—on that point his testimony was credible—but to say on the basis of this testimony that “the Commission” did these evaluations is an overstatement. And meanwhile the commissioners said hardly a word about partisan fairness during their September mapping.

The Commission otherwise cites the testimony of one of its expert witnesses, Jonathan Rodden. Specifically, quoting Dr. Rodden, the Commission says that, “[b]ecause ‘Democrats in Michigan’ are ‘concentrated’ in Detroit, ‘a plan that’s drawn without regards for partisanship will generate extremely Democratic districts,’ which in turn ‘makes for an inefficient distribution of support across districts.’” R.115 at PageID 4017 (citing R.106 at PageID 3120-21). But the evidence afforded by Rodden’s testimony was purely circumstantial: his point, simply stated, was

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that the district lines at issue here improved the partisan fairness of the Commission’s maps, and thus one might infer that partisan fairness was the object of the Commission’s map-drawing.

So far as the direct evidence of the Commission’s intent was concerned, however, Rodden had nothing to say. He admitted on cross-examination that he had not “read the transcripts of the Commission meetings” or done anything else to learn about the direct evidence available in this case. R.106 at PageID 3175-76, 3186. He also admitted that the statements of “the map drawers themselves, can provide critical evidence” of what predominated in their decision-making. *Id.* at PageID 3188. More to the point, Rodden said he had testified in another redistricting case—the *Bethune-Hill* case that the Supreme Court eventually decided in 2017. *Id.* at PageID 3176. And Rodden admitted that, in *Bethune-Hill*, he *did* review the contemporary record of the map drawers’ work “in painstaking[] detail,” and indeed made that record the basis of his testimony there. *Id.* at PageID 3180. But Rodden did none of that work here. (In fairness to Rodden, he explained that the Commission’s counsel had not asked him to review the contemporary record, which itself yields an inference.) Rodden’s testimony was therefore an abstraction, without any connection to the Commission’s record. His testimony does nothing to rebut the direct evidence that partisan fairness was subordinated to racial line-drawing for the districts at issue here.

All that said, the Commission did strive to improve partisan fairness in districts outside the Detroit area. But when the Commission drew Detroit-area (or “VRA”) districts, as shown above, it pointedly did not allow considerations of partisan fairness to intrude. The boundaries of the districts at issue here—stretching far into Oakland County and even beyond M-59 in Macomb—did improve the 2021 maps’ partisan-fairness scores. But that was merely a byproduct of the Commission’s racial line-drawing. What improved those scores was the Commission’s decision intentionally to distribute African-American voters across a greater number of districts around

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Detroit. That racial line-drawing reduced Democratic majorities in general elections, leading to higher partisan-fairness scores—to the detriment, plaintiffs say, of their ability to elect their preferred candidates in Democratic primaries. Partisan fairness had little to do with the boundaries of the districts at issue here.

c.

The Commission’s next argument as to predominance is that it “gave overriding consideration to communities defined by actual shared interests.” R.115 at PageID 4019-21 (internal quotation marks omitted). As support, the Commission does rely on 18 citations—most of them to only a page or two—to the Commission’s meeting transcripts. *Id.* at PageID 4020. Seven of those citations are to discussions about communities of interests in areas well outside Detroit, including Muskegon County (near Lake Michigan, north of Grand Rapids), Lansing, Ann Arbor (some 45 miles away from Detroit), and Monroe County (ditto). *See* MICRC Tr. at 5514-17, 5526, 5559, 5562, 5576-77, 5596-97, 5603. Those discussions are irrelevant here.

The remaining 11 citations are to discussions among commissioners on a single day—namely September 9, 2021, which was the Commission’s first day of drafting its Detroit-area senate maps. *See id.* at 5661-65, 5667-70, 5680, 5683-85, 9986-96, 9999, 10001-02, 10004, 10008, 10011-13, 10019. Two of those 11 citations are to discussions about communities of interests that the Commission eventually split up—such as the Downriver community of interest whose fragmentation, four days later, distressed Commissioner Witjes. *Compare id.* at 5680 with 5912; *see also id.* at 10004. Those discussions likewise do not support the Commission’s point.

That leaves nine citations to different parts of the September 9 transcript. The Commission offers no explanation as to why these discussions (or any of the discussions it cites) support its assertion that communities of interest were an “overriding consideration” or even on par with the

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Commission's BVAP targets as it drafted Detroit-area districts. Instead we just get the bare cites. Nor do we see these discussions as supportive of the Commission's point. In two of them, rather, Adelson or a commissioner warns the group to be mindful of the districts' BVAPs. *See id.* at 10008, 10013. And the remaining seven citations are simply to pages where a commissioner talks about a community of interest. None of these seven discussions involve talk of any tradeoff between COIs and the BVAP targets, or between COIs and any other criteria at all. Moreover, at the end of the mapping process, not a single one of the Commission's Detroit-area Senate districts had a BVAP exceeding the 35-45% target range. None of these 18 citations to the meeting transcripts, therefore, undermine our conclusion—based on all the evidence cited above—that the Commission subordinated communities of interest to hitting its BVAP targets.

Two other points bear mention regarding the Commission's assertion about "communities defined by actual shared interests." At trial, two former state legislators from Detroit—Virgil Smith and Lamar Lemmons III—provided a ground-level perspective on what some of these Detroit-area districts were like. In 2022, Smith was the campaign manager for an incumbent state senator, Marshall Bullock of Detroit, who ran in the Democratic primary in the newly drawn Senate District 8. R.102 at PageID 2748. That district reaches north to include all of Birmingham. And in that election white voters rejected Bullock by a margin of 96% to 4%—which allowed their preferred candidate, from a Detroit suburb, to win the primary and then the general election. R.71-1 at PageID 1076. Smith testified about the difficulty that black candidates have campaigning in predominantly white suburbs—where, he explained, "the issues [that voters care about] are completely different." R.102 at PageID 2750. Smith testified that "the more affluent the territory got" as Bullock's supporters were canvassing, the less likely it was that voters would answer the door. *Id.* at PageID 2754. He testified: "We have a hard time getting them to answer the door for

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us, and if we can't get them to answer the door for us, how can we sell ourselves as a candidate to the new voters?" *Id.* at PageID 2750. And the attitude of some voters, he testified, was that "we have no business being out there." *Id.* Lemmons testified similarly, saying that he would hire white canvassers to cover those areas. *Id.* at PageID 2773.

Second, as a circumstantial matter, that the Commission put cities like Gross Pointe, Bloomfield Hills, and Birmingham—some of the wealthiest cities in Michigan, where Porsches and Range Rovers are commonplace, and Cadillacs more numerous than Chevrolets—in the same districts as some of the poorest neighborhoods in Detroit, itself belies the idea that "communities of interest" were paramount in drawing these districts. We reject the Commission's argument on this point also.

d.

More briefly, we likewise reject the Commission's argument—to which it devotes a single paragraph in its brief—that the reason the Commission extended its Detroit-area districts into Oakland and Macomb County was that the population in Detroit had declined since the 2010 census. *See* R.115 at PageID 4019. Nowhere in the contemporary record do we see any of the commissioners saying anything to that effect. Instead, they uniformly said they drew those "spokes"—as far north as Bloomfield Hills in Oakland County, and all the way to M-59 in Macomb—to reduce the percentages of black voters in those districts. *See, e.g.,* MICRC Tr. at 5902, 6157, 6482. The Commission's characterizations of its actions in this regard are *post hoc*.

In sum, therefore, we reject the Commission's contention that it did not adopt racial targets that predominated over other criteria in drawing Detroit-area districts.

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e.

Finally, in the interest of completeness, we do address one argument that the Commission has not made: namely, that inclusion of six black-majority districts in its final House Plan (called “Hickory”) tends to show that the Commission did not have a 35-45% BVAP target in drawing Detroit-area districts. By way of background (and to reiterate somewhat), the Commission released its proposed House and Senate plans for public comment on October 11. *See id.* at 8164, 8169. In both those plans the number of majority-black districts in Detroit stood at zero. Nine days later, on October 20, the Commission held its public hearing at the TCF Center. And there—not to put too fine a point on it—the Commission endured a nine-hour pounding from Detroit residents who were distressed, above all, about the proposed absence of any majority-black districts for their city.

A week later, before resuming any of its mapping work, the Commission (at the urging of its lawyers) took the extraordinary step of going into a closed session, where everything they said, Pastula announced, must remain confidential. During that session, Adelson said that “one of the things we have to stress, emphasize, insist on, plead, beg and say please, please don’t use phrases about adding black people, subtracting black people, adding white people, subtracting white people.” R.126-1 at PageID 4579. He then said that “a path forward” for the Commission—toward what, he did not expressly say, but the context, before and after, makes clear enough that he was alluding to raising the BVAPs in some districts—would be to invoke “communities of interest.” *Id.* at PageID 4572. Kellom and Orton understood his point, with Orton saying, “when we’re talking about this, if we choose to put anything together that we currently have separated, we go back to communities of interest. It’s a community of interest thing, not a VRA thing.” *Id.* at PageID 4588. Lett then spoke more directly, saying that the Commission could define

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communities of interest however it likes, and so COIs could give the Commission “cover.” *Id.* at PageID 4603.

Szetela testified that, before the Commission’s meeting the next day, Rothhorn and Kellom spoke to her and said that “they wanted to fix Detroit and they wanted to increase the black voting age population and that they had had a discussion with Bruce Adelson that they could do that as long as they used neighborhoods as the basis.” R.112 at PageID 3718. (Adelson had many sidebar discussions with commissioners. *See, e.g., id.* at PageID 3767 (Rothhorn); *id.* at PageID 3611 (Szetela)). Based in part on what followed, we find that testimony credible. During the Commission’s meeting on November 2—the first day it worked on its house maps after the TCF hearing—Adelson told the commissioners the following:

[G]oing higher with the BVAP as you’re reuniting the neighborhoods, as we were doing earlier, that is fine under the Michigan Constitution with the criteria number three. The diverse communities and the communities of interest. I just wanted to make that clarification.

MICRC Tr. at 9188.

Rothhorn then said that he and Kellom had been working on some “major changes” to the house maps. *Id.* at 9199-9201. Kellom explained that “we are offering this as a way to move forward in the Detroit area” and “reunite some of the neighborhoods.” *Id.* at 9206-07. Szetela objected, saying “I don’t remember Commissioner or individual commenters saying that they wanted neighborhoods put back together. I remember a lot of comments about wanting minority majority districts with more than 50% African/American and I don’t remember much of anything about neighborhoods honestly.” *Id.* at 9207. Pastula interjected: “I think what I hear Commissioner Kellom discuss is, again, the third criteria of diversity and communities of interest . . . [and] the focus of uniting neighborhoods[.]” *Id.*

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The Commission then moved forward with revisions according to Rothhorn and Kellom's proposal. Then they checked the BVAPs for the house districts. That showed two things. First, that in five House Districts—namely, House Districts 4, 5, 6, 9, 16, and 18 (districts not challenged here), the BVAP rose up above 50%. Second, that in House Districts 1, 7, 8, 10, 11, 12, and 14 (which are challenged here), the BVAPs remained relatively stable—and indeed in House Districts 1, 10, 11, 12, and 14, the BVAPs dropped even further (though still within the 35-45% range). When they were done, Adelson said: “So the numbers to me I think I'm good with them. The I think the numbers are an improvement in the sense of responding to concerns about that I took to be community based. So those are my thoughts.” *Id.* at 9256.

From this sequence of events—beginning with the criticism the commissioners had endured at the TCF hearing—one could easily conclude that they invoked “neighborhoods” (mentioned 125 times in that day's meeting) and “communities of interest” (mentioned 99 times) as pretexts, or “cover” (as Lett had said), for simply wanting to raise the BVAPs in some house districts. (Six of them, as it turned out in the final house plan.) And thus one could easily conclude that raising those BVAPs amounted to just so much more racial-line drawing.

But we need not make that determination here. For even if one accepts the “neighborhoods” rationale for those changes, that would mean only that the Commission carved out an exception—in those six house districts—to the BVAP targets that predominated in the Commission's mapping process for Detroit-area districts generally. None of the BVAPs in the Commission's Detroit-area senate districts changed materially after the TCF hearing. Those districts lines were thus still based on the BVAP targets that predominated before. The same is true for the seven house districts at issue here. It remains true, therefore, that the Commission

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drew its Detroit-area district lines—including the lines for every house and senate district at issue here—based predominantly on its racial targets.

3.

Racial gerrymandering claims apply “to the boundaries of individual districts.” *Ala. Legis. Black Caucus*, 575 U.S. at 262. Yet what we have already said, in the preceding 81 pages, should be enough to decide this case: the Commission generally drew its Detroit-area districts based predominantly on race, and the districts here were no exception. But again, in the interest of completeness (and with apologies for some repetition) we will examine the evidence specific to each district at issue here. That evidence only confirms that race predominated in drawing each of these districts.

a.

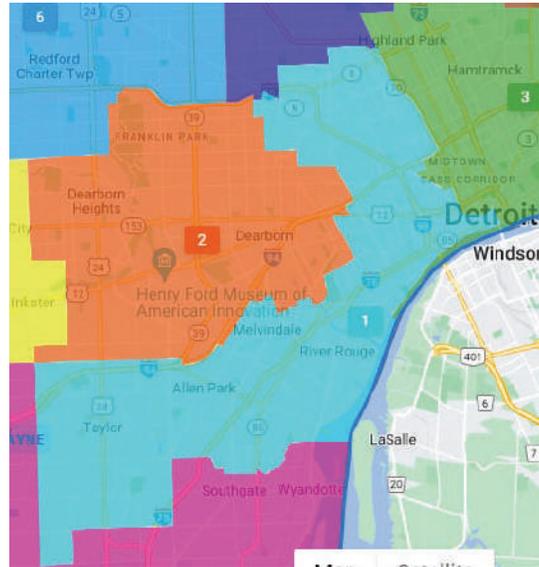
We begin with Senate Districts 1, 3, 6, 8, 10, and 11. The Commission drafted those districts (and others in Detroit) principally on September 9, 13, 14, and 15, 2021, on October 4, 11, 28, and 29, 2021, and on November 5, 2021. The Commission adopted the final version of the plan—renamed the Linden plan—on December 28, 2021. As enacted, each district’s black-voter percentage (apart from SD11) fell within the range prescribed by Bruce Adelson.

District No.		1	3	6	8	10	11
	Date	BVAP	BVAP	BVAP	BVAP	BVAP	BVAP
Linden Plan	12/28/2021	35.03	42.09	39.15	40.25	40.43	19.19

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(i)

Senate District 1. This district (which began as Senate District 17) is located entirely in Wayne County, and has a black-voting age percentage of 35.03.



As initially drafted (on September 13), this district ran from Melvindale and River Rouge (at its north end) down along the Detroit River through Trenton and Gibraltar (at its south end). So drafted, its black-voter percentage was 10.98. But the Commission thereafter looked for other districts—with lower BVAPs—where it could put black voters to “balance out the population in Detroit.” MICRC Tr. at 5912. This district was one of them.

Specifically, the Commission removed from this district mostly white neighborhoods further south (“Downriver”) and added mostly black neighborhoods in central Wayne County (including part of Davison-Schoolcraft and Dexter Linwood). *See id.* at. 5911-12. But when it first did so (on September 15), Commissioner Witjes objected:

Szetela: Go down . . . and try to fix that quickly. By taking off some of the Down River community. So we are going to work from the bottom. Go to the Township level. Commissioner Witjes?

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Witjes: Why exactly are we messing with the down river community on the south border based on all the praise that we receive that that's basically a perfect District from everyone that lives there.

Szetela: Because we are going to have to, to balance out the population in Detroit.

Witjes: I disagree completely.

Szetela: Okay.

Witjes: I mean where are you drawing this conclusion from out of curiosity? Because I don't see it.

Szetela: From what our voting rights expert indicated our populations were too packed.

Id. at 5912. Those changes and similar ones increased the district's BVAP from 10.98% to 34.86%. Yet on October 4, once the district had taken form, Commissioner Curry complained about its "crazy" and "terrible" shape. This exchange followed:

Rothhorn: I think the reason it's drawn if my understanding is correct Commissioner Curry it's related to the VRA. Right where the white and Black populations are balanced so yeah.

Curry: It may be balanced but it looks too crazy.

Id. at 7469. The Commission's Secretary, Sarah Reinhardt, then reminded Curry that "compactness" was the Commission's "lowest ranked criteria." *Id.* at 7470. But Curry again objected, this time speaking more generally about how the Commission had "chopped up Detroit."

Id. at 7479. Rothhorn again tried to explain why the Commission had "split Detroit":

The reason I think we are trying to split it is we are trying to get the numbers that we were given from Dr. Handley at 35% with the Black voting age population that is 35% so we did our best to try to draw that with that kind of understanding that the Black voting age population can elect a candidate of choice. I don't think there are any districts even though they may not look like it. And it looks like it's splintered. But there is no District in here with a Black community cannot elect its candidate of choice.

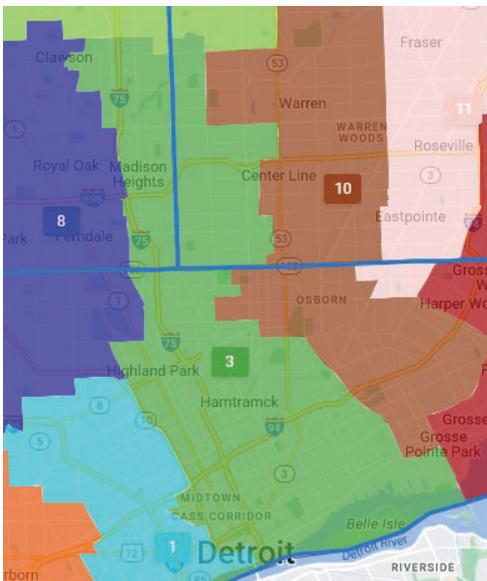
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Id. at 7480. When the Commission completed Senate Plan 199 (on October 4), the district that became Senate District 1 had a black-voter percentage of 36.73. The Commission thereafter made only minor adjustments to the senate maps; and the enacted version of this district—Senate District 1—has a black-voter percentage of 35.03.

(ii)

Senate District 3. This district has a black-voter percentage of 42.09 and encompasses parts of Wayne, Oakland, and Macomb County.



The district runs from the Detroit River (including Belle Isle) through Hamtramck, all the way up to 14 Mile Road—where it combines at its north end parts of Clawson (in Oakland County) and parts of Warren (in Macomb County).

Here, too, the contemporary record shows that race predominated when the Commission drew this district. In its initial form, Senate District 3 (which began as Senate District 8) was majority-black, with a BVAP of 50.82%. But the Commission thereafter deliberately reduced that number to comport with Adelson’s directive. On October 4, for instance, while Commissioner Weiss was leading the mapping session, he asked:

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Weiss: All right, I guess I'm looking here and are we going to try to do something with [this district]?

Rothhorn: Yes. We are currently at 43.25 [BVAP] so you want to try to get it down to 35-40.

Weiss: Yes, I don't think my eraser is big enough.

....

Szetela: Just for the public listening, MC Rothhorn was discussing with Commissioner Weiss the populations we are looking at . . . [including what became Senate District 3] . . . And just directing him those are the districts we are trying to remedy and bring into compliance.

Weiss: All right my suggestions from anybody? I guess I need some help on this one.

....

Rothhorn: I can help too. One of the things I believe that District [] is where again we are not focusing on [communities of interest] so I want to offer this as a way to . . . decrease non-Hispanic Black . . . And increasing our VRA compliance.

Id. at 7446-47. Rothhorn thereafter suggested moving the district slightly north (into what was then Senate District 16). Commissioner Weiss did so, namely, by “add[ing] a little more of Clawson”—an Oakland County suburb with a white population over 91%. *Id.* at 7448; *see* Clawson city, Michigan, U.S. Census Bureau, <https://www.census.gov/quickfacts/clawsoncitymichigan> (last visited Dec. 21, 2023). After Weiss did so, Commissioner Lett asked:

Lett: What's the target for Macomb? Oakland.

Rothhorn: Oakland County the target is 42 to 43ish.

Lett: We are kind of splitting the difference right now.

Szetela: Yep.

MICRC Tr. at 7449. The black-voter percentage dropped accordingly, and Szetela remarked: “I think it's good. I think you brought it down so as [Lett] said you are right in the sweet spot at this point.” *Id.*

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That same afternoon, Rothhorn asked Adelson to “help” the Commission determine whether this district, with its African-American population, still provided black voters with the opportunity to elect their candidates of choice. He explained:

[W]e deliberately tried to unpack [several districts, including what became Senate District 3] because those are the highest percentages. And we brought them down significantly. And if you would like those numbers, I can give those to you.

Id. at 7487. Adelson agreed, remarking:

We talked about a systematic approach to compliance and that is very important for the record and record keeping in general so I would like to . . . work our way down the list.

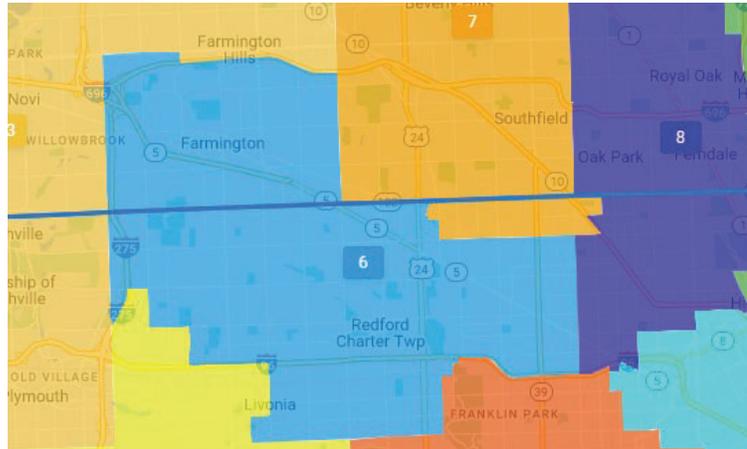
Id. When the Commission got to what became Senate District 3—which at that point had a black-voting percentage of 43.35—Adelson confirmed that “all reveals candidates of choice being elected . . . [a]cross the board so I think for now let’s put an okay and go to our next District.” *Id.* at 7493.

The Commission thereafter made only minor adjustments to this district—and the black voting age percentage stayed virtually frozen; as adopted by the Commission, Senate District 3 has a black-voter percentage of 42.09.

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(iii)

Senate District 6. This district has a black-voting age population of 39.15% and encompasses parts of both Wayne and Oakland County.



The Commission reached that BVAP in Senate District 6 (which began as Senate District 9) by moving Southfield (a predominantly black city) into what became Senate District 7 (which in an earlier map was Senate District 14). Simultaneously, it brought Farmington (a predominately white city) into Senate District 6.

When the Commission began mapping on October 4, the black-voter percentage in this district was 51.99:

Szetela: I think you need to take Black population at this point. What you can do by bringing [this district] down.

...

Orton: Well from what I think [what became Senate District 6] is overpopulated . . . So . . . we want to reduce the African/American population in [this district] so what if we took all of Southfield and put it up into [another district] wouldn't that possibility take care of all those problems?

Rothhorn: I think that is what Commissioner Lett was suggesting too.

Szetela: Right. So you will bring [another district] down [into Southfield] and probably when you do that might have to take [what became Senate District 6] into Farmington a little bit. It's like you are working at a puzzle here. Shifting things around.

...

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Szetela: Yes, balance [it] out and then you're going to bring it into Farmington and that will reduce your African/American population.

...

Eid: And I'll point out too because [what became Senate District 6] is mostly in Oakland County we can probably get away with that 43% [BVAP] instead of going down to the 40% number.

Szetela: That's true.

Id. at 7452-59. By removing Southfield (mostly black) and adding Farmington (mostly white), the black-voter percentage fell by over 10%—down to 40.03%. Later on October 4, Rothhorn confirmed that these adjustments had the desired effect: “Correct so [this District] went from 50 to 40.7[%] so that is excellent.” *Id.* at 7464. Commissioner Witjes replied:

Yep, perfect. So I think I'm done at this particular point then for rationale these adjustments [are] taking into account the Voting Rights Act and looking at the voting age population and the Black voting age population to make them so that . . . the districts are able to elect candidates of choice and by definition . . . we are taking into account diverse population of the State of Michigan. Erasers down.

Id. At trial, Szetela testified specifically about this district, confirming what the contemporary record shows:

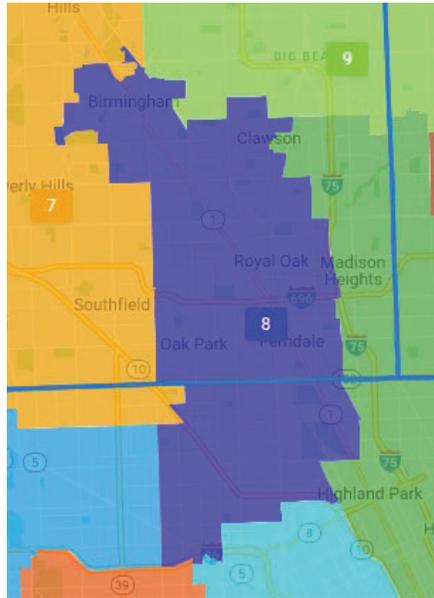
We reconfigured [this District] to bring it farther over into kind of the Livonia area, bring in white voters there, because Southfield has a significant black population so we needed to go west on that one to reduce the BVAP. And so, again, we're just stretching things out into areas where we know that white voters are making these districts in Detroit skinner, narrower to cut down the black population.

R.112 at PageID 3645-46.

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(iv)

Senate District 8. This district has a black-voting age population of 40.25% and crosses the county line between Wayne and Oakland County.



When the Commission first drafted this district (which began as Senate District 13), its shape was wide—stretching mostly east to west—and it encompassed large portions of predominantly black neighborhoods in Southfield and Lathrup Village (both in Oakland County). So drafted, its black-voter percentage was 63.77. But on September 15—two days after Pastula told Szetela that she and Adelson were “alarmed” by that number—the Commission reduced the black-voter percentage by narrowing the district and stretching it north to south. *See* Pl.’s Ex. 5 at 45. That day, Rothorn explained their “rationale,” saying, “the reason I’m doing this . . . is to decrease the minority percentage, right, to have a more balanced Black-white ratio and not just Black and white but nonwhite and white balance.” *Id.* at 5898. He further explained:

I’m comparing it and we reduced it and it’s relatively high and it’s important – what I’m thinking about is flagging this in terms of VRA right in terms of the notes that we will follow-up with Bruce on it but this is in terms of, yeah and it’s too high, the percentage is too high and want to chip away at it. What I found is trying to improve

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the percentage of 13. . . . So moving west. I wasn't able to improve the minority percentage.

We have high minority populations in Lathrup Village and Southfield and definitely in the Detroit area so [another district] we have to go further north. And so what I'm going to do is suggest in [what became Senate District 8] any way we, yeah, I guess I'm going to suggest that we have to keep it but I want to get closer to the population. So I want to take off the northern so I think the southern end we have to keep unless other people have ideas. This is where you know again to decrease the minority percentage and increase the white or you know the people of color are too high at this point.

Id. at 5899. A few minutes later, however, Lett told Rothhorn, "looking at the percentages on voting whites and Blacks . . . it appears to me there is a lot of work that's got to be done to get the percentages down under 50." *Id.* at 5903. Rothhorn responded:

Yeah, so maybe so what I'm hearing you say [Lett] which acknowledges [this District] is not good. . . . let's keep playing because we know this one has to change. . . . [this District] is not okay.

Id. at 5904.

Yet at the end of that day's mapping session, the Commission had reduced the black-voter percentage to 59.06—just four points lower than it had been two days before. Thus, on October 4, the Commission again sought to reduce that percentage. They did so by further narrowing its shape and driving north into predominantly white suburbs—indeed as far as Birmingham, which is 87% white, and whose residents have a median household income of \$151,556:

Witjes: Let's go – let's keep going north Go as far into Birmingham. Anyone have a thought?

Szetela: I'm sorry could you repeat that.

Witjes: [This District] extending north into Birmingham.

Szetela: Why not. We got to get the VRA right and that is number one so.

Mr. Morgan: Birmingham not Troy?

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Clark: When you go into Birmingham, we are stretching this thing all the way from mid-Detroit all the way up there.

Szetela: What other way is it to get VRA.

Curry: That is okay. You can do that.

Clark: I know we can do it.

Id. at 7450-51; *see also* Birmingham city, Michigan, U.S. Census Bureau, <https://www.census.gov/quickfacts/fact/table/birminghamcitymichigan/PST045222> (last visited Dec. 21, 2023).

That change reduced the black-voter percentage significantly, from almost 60% down to 48%. *See* MICRC Tr. at 7452 (Witjes: “So . . . 48% Black voting age population so it’s going down.”). But it also increased the district’s overall voting-age population, making it overpopulated (for purposes of achieving “equal population” in all districts) by roughly 36,000 people. *Id.* Commissioner Witjes therefore suggested a solution—namely, to remove “piece[s]” of Detroit, so that both the total voter-percentage and the black-voter percentage decreased simultaneously. *See* MICRC Tr. at 7452-53. Those changes had the desired effect:

Witjes: And what was the percentage that [this District] should go down.

Rothhorn: Started 57.32 now we are 44.13 nice work.

Witjes: What does it need to go down to?

Szetela: Wayne is 40 ideally. 35-40%.

Id. at 7453. By the end of the day on October 4, the Commission had reduced the black-voter percentage slightly more, to 42.45%. And after October 4, the Commission made only minor changes to the district; as enacted, Senate District 8 has black-voter percentage of 40.25. Commissioner Szetela explained at trial what the contemporary record shows:

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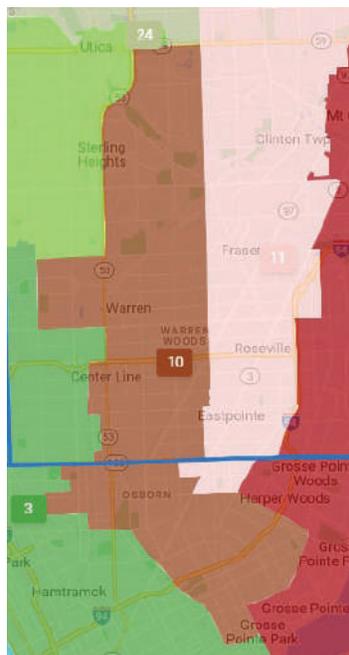
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[This District] was originally entirely up in Oakland County with just a very small amount in Detroit. We've now brought it down, almost half of it into Detroit. . . . And so, again, we're just stretching things out into areas where we know white voters are making these districts in Detroit skinnier, narrower to cut down the black population.

R.112 at PageID 3645-46.

(v)

Senate District 10. This district encompasses parts of Wayne and Macomb County and has a black-voter percentage of 40.43. Its shape is irregular, running north to south—from roughly 19 Mile Road down to 8 Mile Road—where its southernmost portion hooks east into Wayne County.



On October 4, this district (which began as Senate District 6) had a black-voter percentage of 49.38. As a result, Szetela identified this district as one where “we [] still have some VRA work to do[.]” MICRC Tr. at 7438. Rothhorn agreed, reminding the group to keep Dr. Handley’s racially polarized voting analysis in mind:

It might help Commissioners if you are looking at Lisa Handley’s presentation Page 20 the map that shows the State House districts and the State Senate districts for

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the 2010 maps what she shows on that Page 20 is the areas that are packed and what she describes as the most packed is 50% to 70% meaning if we are in 50%, we are not unpacked [] and if we are 40%, we have not unpacked it.

The map shows where we should target. All those districts [including what became Senate District 10] are all in the area if we are 50% range it's just as packed as it was in 2010. That's kind of the map I'm reading here.

Id.

Commissioner Vallette then led the mapping session during which the Commission modified this district's boundaries. To reduce the black-voting age percentage, Vallette narrowed the district and extended its northern edge further into Macomb County—all the way up into Sterling Heights and past 19 Mile Road. *Id.* at 7443. Those changes reduced the BVAP to a “hair over 40%”; but (as with Senate District 8) they also caused an increase in the district's overall voting age population, making it overpopulated by roughly 7,000 people. *Id.* at 7445. Szetela noted, however, that the district as amended had “accomplished” VRA compliance and that—though still slightly overpopulated—it fell “within” an appropriate “deviation.” *Id.* But then Orton suggested a simple solution:

Orton: [I]f you took some . . . more of the higher Black population [in this District] . . . and put it [another district] that's going to decrease the population over all and it will make [the BVAP] under 40% probably.

Id. Vallette thereafter moved a predominantly black precinct “south of 8 mile” into the district adjacent (which became Senate District 11). As a result, both the total voter-percentage and the black-voter percentage decreased:

Vallette: I think I'm good.

Rothhorn: Yes you are.

. . . .

Szetela: Brought your African/American below 40%. So now you are perfectly in the sweet spot of 35-40. All right.

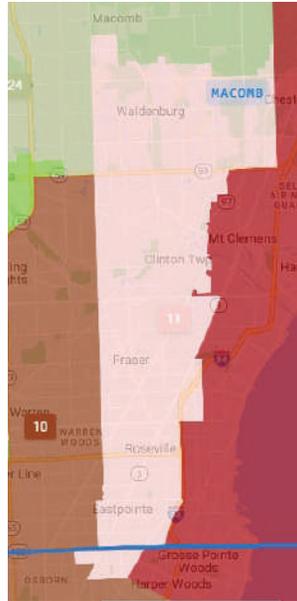
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Id. at 7446. Senate District 10 thereafter changed only slightly; in the map completed on October 4, its black-voter percentage was 41.2. As enacted in the Linden plan, that number is 40.43.

(vi)

Senate District 11. This district (which began as Senate District 5) has a black-voter percentage of 19.19 and is located almost entirely in Macomb County.



Its shape is long and narrow, stretching from just south of 8 Mile Road (in Wayne County) all the way past 24 Mile Road in Macomb Township. As the Commission did with Senate District 1, it looked for other districts to add black voters to “balance out” Detroit. MICRC Tr. at 5912. This district was one of them. As Szetela testified at trial: “So, again, we’re trying to reduce black population [in other districts] and that requires us to grab more white population, and that also shifts some of the black population into a district where there’s very little black population. So we [took] Eastpoint[e] . . . which is predominantly black, [out of Senate District 10], and we put it into a mostly white district [Senate District 11].” R.112 at PageID 3737. And when asked, “So if you’re black and you live in Eastpoint[e], why did the Commission put you in an 80 percent

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white district[.]” Szetela answered: “[b]ecause we had to reduce the black voting population in the district adjacent to it.” *Id.* at PageID 3739.

The contemporary record confirms the accuracy of Szetela’s testimony. For example, on October 4, Commissioner Vallette “[took] the top tier from Eastpointe” out of what became Senate District 10 and put it into what became Senate District 11—which, Rothhorn observed, “reduced” the BVAP in Senate District 10 “from 47.3 to 45.8 so you are definitely heading in the right direction.” MICRC Tr. at 7442; *see also id.* (“Okay so at this point you have most of Eastpointe [in what became Senate District 11].”); *id.* at 7443 (“Again Janice for context you started 47.83 non-Hispanic Black age population [in what became Senate District 10] so you are definitely working in the right direction.”).

Thus, the Commission moved a substantial number of voters into this district based on their race. And as enacted in the Linden plan, the black-voter percentage in Senate District 11 is 19.19.

b.

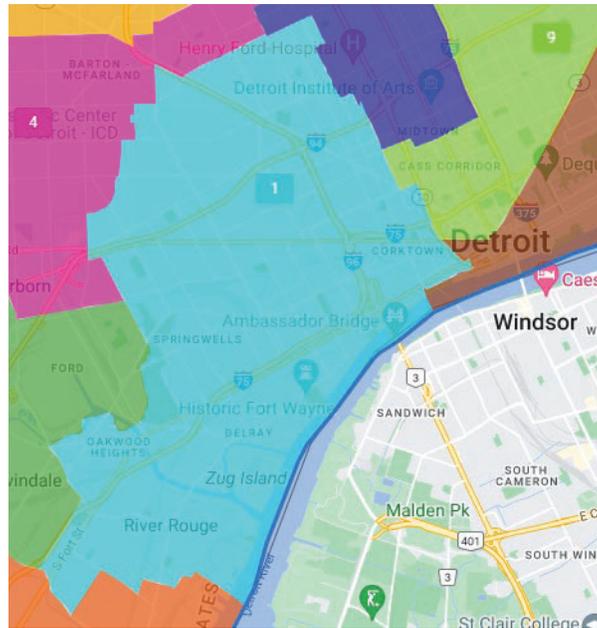
We next consider House Districts 1, 7, 8, 10, 11, 12 and 14. The Commission drafted those districts (and others in Detroit) principally on September 20, 21, 22, 29, and 30, 2021, on October 5, and 8, 2021, and on November 2, 3, 4, and 5, 2021. The Commission adopted the final version of its house plan—the Hickory plan—on December 28, 2021. As enacted, each district’s black-voter percentage fell within the range prescribed by Bruce Adelson.

District No.		1	7	8	10	11	12	14
	Date	BVAP	BVAP	BVAP	BVAP	BVAP	BVAP	BVAP
Hickory Plan	12/28/2021	38.03	44.29	43.70	38.79	42.82	40.99	41.11

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(i)

House District 1. This district has a black-voter percentage of 38.03.



On September 30—the day that Pastula advised the Commission to review its draft districts one-by-one to ensure that their BVAPs fell in the range specified by Dr. Handley’s report—the Commission skipped over House District 1 because, at that point, its black-voter percentage was only 36.58. *See id.* at 7226-39.

When the Commission sought to revise the house districts for “VRA compliance” (on October 5), Weiss said that House District 1 “looks good.” *Id.* at 7639. But he also noticed that an adjacent district—which became House District 2—was “a little high”, so suggested the Commission “maybe . . . swap some stuff out here[.]” *Id.* Szetela soon asked, “Just to be clear you’re trying to increase the African/American population in one and reduce it in two is that what I’m understanding you’re trying to do?” *Id.* at 7641. Weiss replied: “Yes at least that’s what I’m thinking. Any suggestions Chairperson?” *Id.* Szetela then suggested that, based on her “familiar[ity]” with Detroit, “if you take population from two up at the top and put it into one,

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you're adding more African/American into one . . . [s]o that might enable you to balance it[.]”

Id. at 7641. Weiss thereafter did so, and the black-voter percentage rose to nearly 40. *Id.* at 7642

(“now we are 39.9”).

The Commission thereafter used the bellwether-election tool to confirm that black candidates could still elect their candidate of choice (in general elections, given its limitations); and unsurprisingly, it showed that black candidates of choice (Democrats) won in landslides. *See id.* at 7649 (“District 1 is for the election results as configured now 87 for Biden, 13 for Trump, 91 for Clinton, 9 for Trump, Obama 94, Romney 6 . . .”). Adelson utilized this as a teaching moment, to again remind the Commissioners about the dangers of “packing”:

Election results are all uniform and play out and indicate this is a [district] that performs where minority candidates of choice can be elected but going back a little bit to my discussion [from earlier] . . . Here this is a district where the margins are very strong. So rhetorically if you were going to add additional minority population here, wouldn't that be packing? That's not necessary to elect candidates of choice. That's the key metric.

So the margins were close like 50.1 to 49.9, yeah, I think that that would make sense. But when you have margins like this, the difficulty is in justifying it why did you do that? What would be constitutional rationale? If you will so that is part of seeing in real time since the election results all play out strongly, that's the Voting Rights Act metric, ability to elect.

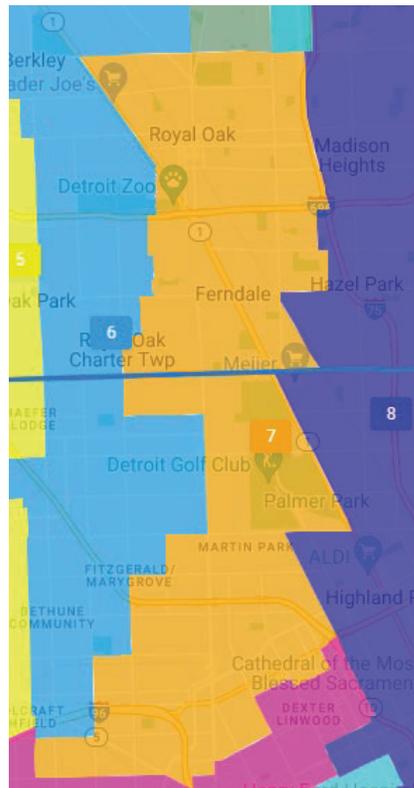
Id. at 7649-50.

The black-voter percentage thereafter stayed remarkably stable; as enacted in the Hickory Plan, House District 1 has black-voter percentage of 38.03.

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(ii)

House District 7. This district has a black-voter percentage of 44.29. It is long and narrow, stretching from Davison-Schoolcraft (in Wayne County) through Royal Oak (in Oakland County) up to 12 Mile Road.



When the Commission began mapping on September 30, the district that became House District 7 had a black-voter percentage of over 75—and Adelson therefore identified it as a “serious district[.]” that “has[s] significantly more [black] population than Dr. Handley recommended in her analysis.” *Id.* at 7223. Rothhorn confirmed as much a few minutes later, saying, “I think I heard [what became House District 7] for example is one that needs to be fixed.” *Id.* at 7224. So did Curry: “I think . . . Bruce said that it was [the district that became House District 7] . . . [that was] over packed and maybe we could look [at it].” *Id.* at 7231. Pastula suggested that the Commission “scroll” down the list and identify “anything that is higher than

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40% for the Black voting age population”; she also noted that House District 7 was one she “anticipate[d]” the Commission would fix. *Id.* at 7226. A few minutes later, Pastula again told the Commission to look at the district that became House District 7 (among others) to see how the black-voter percentage “can be minimized.” *Id.* at 7229; *see also id.* at 7243 (Pastula) (“The data for [what became House District 7] is . . . 76.72 Black VAP [which] would be considered a packed District so what we were trying to do is utilizing the racial bloc voting, which the Commission with the percentage by which the minority voting population would have the opportunity to elect candidates of choice . . . so I hope that was helpful in what the goal is.”).

Szetela thereafter suggested that the Commission start there: “So [this district] is definitely the highest,” it “has 76% African/American. . . . We can certainly start with [what became House District 7].” *Id.* at 7232. As Curry began to lead the mapping session, Rothhorn gave her a reminder:

Rothhorn: I think our goal Commissioner Curry is to reduce [the BVAP].

Curry: 40, 45.

Rothhorn: Correct, yep.

Id. at 7234. Curry thereafter made several adjustments, one of which was to “put[] some of the African/American population from Detroit” into an adjacent district. *Id.* at 7234. Curry then asked “so we need to get rid of about how many more, unpack how many more?” *Id.* at 7325. Rothhorn explained that, consistent with the “spoke concept,” the Commission would need to draw the district further north: “[S]o we have taken away the Black population now add a white population in order to significantly reduce [the BVAP] and it looks like based on” the black-voter “theme” “it needs to be north to Berk[ley] and I don’t know what you think about as far as Berk[ley] being able to fit with this District and I think that is part of what we are struggling with.” *Id.* at 7236.

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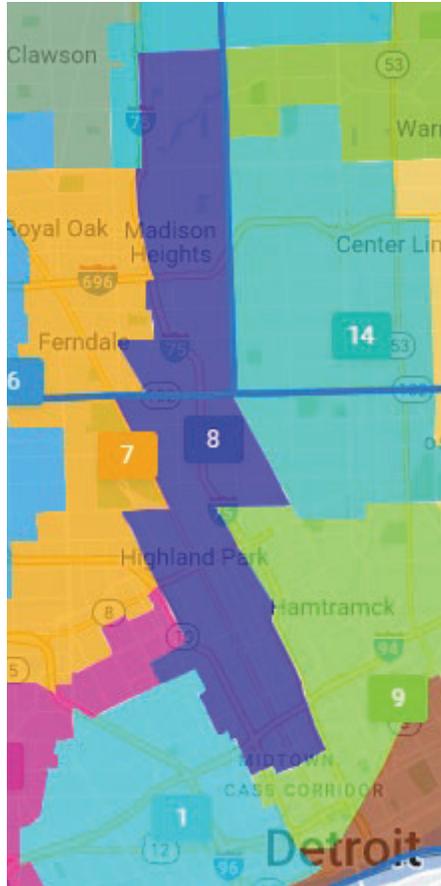
Curry then made some additional adjustments whose specifics are unclear from the record, but in any event the BVAP went down as result. Rothhorn confirmed: “Going to watch the numbers for the . . . Black voting age population so we reduced it by 13%.” *Id.* at 7239. Rothhorn then added, in apparent frustration how the district was drawn, “Mr. Adelson is asking us to experiment and don’t want to sacrifice people’s lives in the way they want their districts drawn but we do need to try it.” *Id.* By the end of the day on September 30, the district that became House District 7 had a black-voter percentage of 66.54.

On October 5, the Commission shifted what became House District 7 further east, thereby reducing the black-voter percentage substantially, to 39.85. In November, however, the BVAP for this district increased slightly. Clark said that a higher BVAP for this district “would further support what I heard at the TCF center of having more higher percentage African/American population that they have today so I think that would help what I heard at TCF.” *Id.* at 9416. As approved in the Hickory Plan, House District 7 has a black-voter percentage of 44.29.

(iii)

House District 8. This district has a black-voter percentage of 43.7. It is long and narrow, running from Midtown Detroit (in Wayne County) through Madison Heights (in Oakland County) and up to 14 Mile Road.

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On September 30, Adelson advised specifically that House District 8, which at that time had a black-voter percentage of 53.85 and was far more compact, was “still a little on the high side,” so he suggested “go[ing] back and see if we can make some further refinements.” *Id.* at 7282. But Eid was apparently confused, so he asked Kellom (who was leading the mapping session) for clarification, saying, “We are saying eight is still on the high side being at 53.85%?” *Id.* That led to the following exchange:

Kellom: So Commissioner Eid I was getting mixed messages I heard what Bruce said about that. And because I thought that 53 was high. But he said it’s not that high considering so I was going to stop my turn. But then we got more hands so I’m going to stop talking and I want a specific direction in terms of what to do.

Adelson: Commissioner Kellom, I don’t want you to use the term direction but I will say I wish you and I continued our collaboration with District eight to further our compliance refinement. And that the population that we will need to adjust from 8, that will you know obviously affect the connected districts. But I think that

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– my recommendation is you and I continue with eight to see how we can further improve the population[.]

....

Rothhorn: I think through the actions of Mr. Adelson and Kellom they will try to experiment to see if they can get it lower.

....

Adelson: But 53.85% yes, it's an improvement. Yes, it is moving in the right direction. But my feeling is that there is more to be done here. Because I am just [loth] to say creating 54, 55, 56% majority minority districts in an area that analysis is determined, Black voters can elect at percentages lower. I'm not prepared to do that. So the axiom that Commissioner Rothhorn with all due respect kind of said in my head is try. There is still more trying to do. We are not at the end of the line yet.

Id. at 7283-84. Kellom thereafter continued to reduce the black-voter population, during which Adelson suggested “there may be places to adjust to the north . . . Which I think . . . does not have a significant BVAP population so that is just the suggestion [as] another place to look for adjustments.” *Id.* at 7284. Kellom did so, drawing the district further north in Oakland County (namely, into Royal Oak and Madison Heights); that “adjustment” reduced the black-voter percentage from 54 to 50, which Adelson said was “a big improvement.” *Id.* at 7285, 7287.

On October 5, while the Commission worked on other house districts south and west of House District 8 to ensure compliance, it “[a]ccidentally” “balanced” the black-voter percentage in House District 8—namely, by reducing it further, to 35.71. *Id.* at 7648 (Rothhorn: “I think you may have balanced 8 it was 53.9[.]”). The Commission thereafter reviewed this district with Adelson, and Clark asked: “So eight is another this is going to be in Wayne County and Macomb County I believe yeah so [what] are [we] focusing towards here? Wayne, we said 35 to 40% Macomb had nothing [and] we are currently at 35.71 . . . so if we raised it to 40, I think we will be okay.” *Id.* at 7657. Adelson replied: “Commissioner Clark and particularly if you are moving population from Wayne County areas, I think that is the zone to look for[.]” *Id.* He added, however, that “this District is underpopulated [as a whole] so there is some room to grow here.”

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Id. Commissioner Clark thereafter “put the Black population on the screen” and suggested “add[ing]” from what became House District 14 “into” House District 8. That change slightly increased the black-voter percentage in House District 8, to 37.98. *Id.* Szetela then asked Adelson:

Szetela: 8 with 37.98 and we have ten with 42.53 so I mean we could try to balance them more but they are still both going to be about 40 is that acceptable?

Adelson: Is that mainly in Wayne County?

. . . .

Szetela: Eight I would say is more in Oakland County.

Clark: Eight goes a little further north than Oakland

Szetela: Eight does come all the way down so yeah, I would say they are 50/50. . . .

Adelson: [W]e can see if there are some additional judgments to make with the aim of hitting Dr. Handley’s marks and then we can look at the elections.

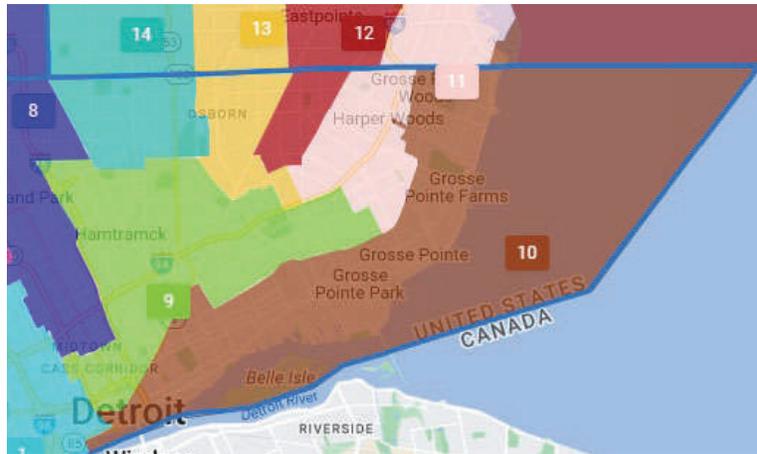
Id. at 7658. Commissioner Clark then “move[d] some” non-black population into what became House District 10 to “increase” the black voter-percentage in House District 8. *Id.*

In November, however, the Commission noticed that House District 8 was overpopulated. *See id.* at 9406 (Rothhorn: “The District that has the most to give is House District 8.”). But Szetela reminded the group that House District 8 is an “Oakland County VRA district where we are trying to keep it above 40.” *Id.* Accordingly, the Commission increased House District 8’s black-voter population slightly by removing white portions of Madison Heights in Oakland County. *See id.* at 9410 (Kellom: “sorry I was just double checking the African/American population in Madison Heights and it’s 8.51% so yes that is fine”); *id.* (Rothhorn: “Black voting population increased with that change. And may reflect what our fellow Detroiters were asking for. . . . And yeah, I think we are going to go with that.”). As finally approved, the black-voter percentage in House District 8 is 43.70.

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(iv)

House District 10. This district has a black-voter percentage of 38.79.



The Commission began drafting House District 10 (which began as House District 4) on September 21. Clark immediately noted that, since “[w]e’ve got a large portion of Detroit left We are going to end up with an African/American population that is going to be pretty significant.” *Id.* at 6410. Szetela recommended that they draw a “spoke” which (she said) would create more “balance[.]” *Id.* But Clark responded that it made little sense to group together “that eastern part of Detroit” with Grosse Pointe, which has the “majority of the money.” *Id.* at 6411. Szetela reminded Clark that “that VRA is first on our list. And so we have to look at accommodating VRA first. And if that requires [uniting those neighborhoods] to do it, I think that is where we need to look first.” *Id.* The Commission thereafter modified several other districts, and by September 28 the black-voter percentage for this district was 42.74. Yet on September 30, the Commission adjusted several districts south and west of House District 10, and in doing so increased the black-voter percentage to 58—which was “substantially more out of the range than we wanted.” *Id.* at 7277 (Orton: “Okay, so before you did this . . . the voting age Black population in District 4 was 41.2% which is quite a bit closer to the target that we are going for. Now it’s a lot higher I thought we were going 35-40% so [it is] way out from what I’m thinking.”).

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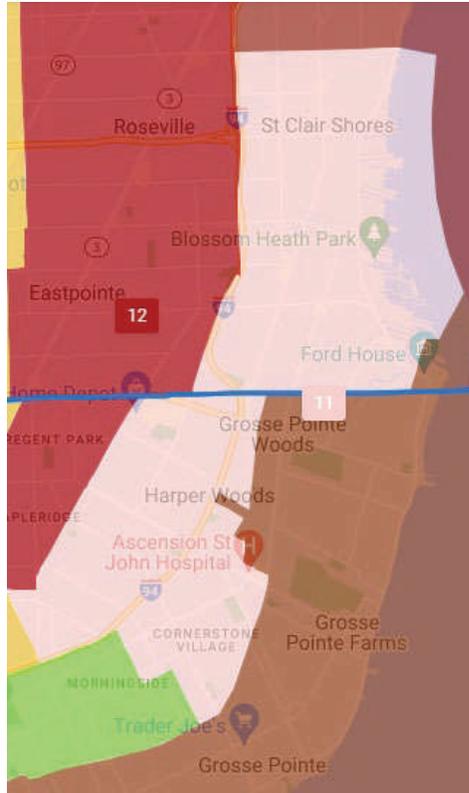
Thus, on October 5, the Commission stretched this District farther north to reduce its black-voter percentage. As Witjes explained, “I would imagine we would have to go north, correct? We got to take away some too.” *Id.* at 7642. The Commission thereafter narrowed the lower half of this district, and then extended its reach up to the Wayne-Macomb County border, which reduced the black-voter percentage substantially—all the way to 40%. *See id.* at 7643 (Szetela: “Brought it down quite a bit.”). Witjes then asked Adelson: “as District Four is below 40%. And 40% sweet spot still apply?” Adelson replied: “As we talked about yesterday, I think providing some leeway, a little cushion here I think that is important.” *Id.* at 7644. The Commission then made a few more adjustments, which (by the end of that day’s mapping session) increased this District’s BVAP to 42.68%.

The Commission thereafter made only minor adjustments in November, which decreased the black-voter percentage further, to 38.79.

(v)

House District 11. This district has a black-voter percentage of 42.82.

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When the Commission began mapping on September 30, House District 11 (which began as House District 6) had a black-voter percentage of over 65.66. Adelson therefore identified it as a “serious district” that “ha[s] significantly” more black “population than Dr. Handley recommended in her analysis.” *Id.* at 7223. Pastula thereafter advised the Commission to “start again with the list at District 1 and look at [] the Black VAP, if it’s above that 40% particularly in the Metro Detroit area how that can be minimized and I know from the chart . . . it’s also [what became House District 11].” *Id.* at 7229. Szetela then noted that what became House District 11 “definitely” had one of the “highest” black-voter populations. *Id.* at 7232. The Commission thereafter began adjusting other districts, but Eid suggested “go[ing] to” what became House District 11, since it was “64%” BVAP. *Id.* at 7241. Accordingly, the Commission added to this District a significant portion of Grosse Pointe Woods (to the north), and removed a portion of Harper Woods (to the south), which brought this district’s BVAP “significantly lower.” *Id.* at

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7241, 7277. By the end of the day on September 30, the Commission had adjusted the black-voter percentage down to 49.23.

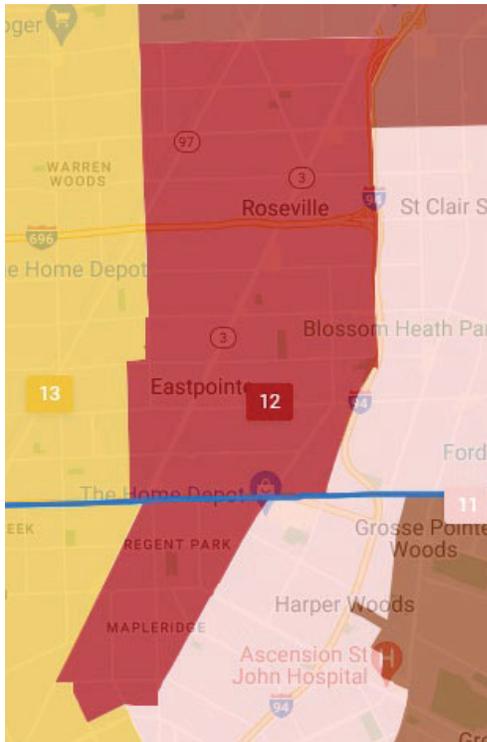
On October 5, the Commission again identified each house district with black-voter percentages higher than 40-45, and thereafter sought to reduce those percentages. *See, e.g., id.* at 7639. In what became House District 11, the Commission accomplished that goal by again “expand[ing] [the district] north” further into Macomb County, as far as St. Clair Shores. *Id.* at 7644; *id.* at 7643 (Szetela: “With . . . [what became House District 11] we have room to go north” because it “kind of lead[s] out of Detroit.”); *id.* at 7644 (Witjes: “now [what became House District 11] needs to expand north”). Those changes and others reduced this district’s BVAP a little more, to 47.37. *See id.* at 7665 (Szetela: “What about taking a little bit of St. Clair shoes that western edge . . . isn’t that primarily white along there. Add a little more white to bring down your African/American?”).

In November, the Commission modified the district again by adding more white population in Macomb County, thereby reducing the black-voter population to 42.82—where it remained when the Commission adopted the Hickory Plan in December.

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(vi)

House District 12. This district has a black-voter percentage of 40.99.



Throughout the mapping process, the black-voter percentage in House District 12 (which began as House District 11) remained right around 43. On October 5, however, the Commission modified several adjacent districts, and the BVAP in what became House District 12 exceeded 50%. *See id.* at 7663 (Rothhorn: “the Black voting age population [in what became House District 12 was] 51.58 and went up to 61 so we are back down again”). Thus, the Commission sought to reduce it—specifically, by extending the district farther north to include more white population. *Id.* at 7664 (Lett: “The only thing I’m trying to do right now is get the percentage down on [what became House District 12].”); *id.* (Orton: “Well I’m thinking if you just add a little bit more into” the district adjacent “since it is [] a little bit under populated, that’s taking African/American population out [so] that will help the number [what became House District 12], I think.”); *id.* at 7665 (Clark: “That is the concept move more white into [this District].”). Those adjustments and

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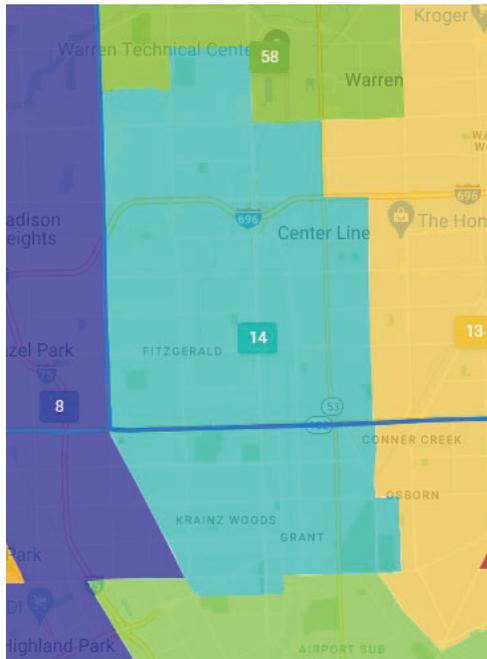
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others, which Adelson remarked moved “the numbers . . . in a positive direction” reduced the black voter percentage to 49.89, which Szetela noted was still “a hair high.” *Id.* at 7666.

In November—after Adelson’s admonition at the closed session meeting—the Commission modified what became House District 12 by extending it even farther north, through Roseville and up to 13 Mile Road in Macomb County. The Commission ostensibly aimed in part to keep the “Roseville community together,” in its effort to “mend some of these neighborhoods.” *Id.* at 8773. The Commission also excised portions of House District 12’s southern end in Wayne County. Those changes together reduced the black voter percentage down to 40.99.

(vii)

House District 14. This district has a black-voter percentage of 41.11 and encompasses parts of Wayne and Macomb County.



Throughout September and October, House District 14 (which began as House District 10) extended from the western half of Warren (in Macomb County) all the way down to just north of Eastern Market in Detroit (in Wayne County). For much of that time, this district’s BVAP

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remained just below 40. But on October 5, that number increased slightly because the Commission reduced the black-voter population in districts to the east and south. *See, e.g., id.* at 7643 (Orton: “It seems like [what became House District 14 is] now really high.”); *id.* (Witjes: “That [increase] happened because of how we are adjusting.”). The Commission thereafter sought to bring the BVAP for this district back down. *See id.* at 7657 (Clark: “Okay so [what became House District 14] is overpopulated so let’s take a look at the border of 8 and [what became House District 14] and let’s see if we can move some Black population. We may impact [what became House District 14] by doing that percentage wise.”); *id.* at 7658 (Clark: “Go to the top and Madison Heights and move some from eight into [what became House District 14] And that will bring non-Black population into [what became House District 14] which should reduce it a little.”). After the Commission made a few more changes that reduced this District’s BVAP further, Adelson approved: “I think the percentages there has been some positive movement . . . with the percentages but that is my only offhand thought.” *Id.* at 7660. By the end of the day on October 5, the black-voter percentage in what became House District 14 was 42.8.

In November, however, the Commission modified the district when it incorporated the “draft overlay” map proposed by Rothhorn and Kellom. Rothhorn nevertheless reminded the Commission that what became House District 14 was “one of those VRA districts.” *Id.* at 9410. As enacted in the Hickory Plan, House District 14 has a black-voter percentage of 41.11.

c.

Based on all the evidence cited above—including both the Commission’s race-based targets in drafting the Detroit area, and the district-specific evidence just described—we conclude

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that the boundaries of all the districts at issue here were drawn predominantly on the basis of race. Indeed the record before us permits no other conclusion.

B.

We make shorter work of the Commission’s backup argument that its race-based line-drawing can survive strict scrutiny. Plaintiffs have shown that the lines for their districts were drawn predominantly on the basis of race, which means those districts “cannot be upheld unless they are narrowly tailored to achieving a compelling state interest.” *Wis. Legis.*, 595 U.S. at 401 (quoting *Miller*, 515 U.S. at 904). The Supreme Court has assumed, without deciding, that compliance with the VRA can be a compelling interest that supports drawing districts along racial lines. *Id.* To that end, the Commission first asserts that, in the 2011 plan, Detroit-area districts had been “packed” in potential violation of the VRA. (Notably, no Detroit voters themselves ever chose to challenge the districts.) And the Commission argues that it had “good reasons to think” that Section 2 of the VRA itself required the Commission to reduce the BVAPs of plaintiffs’ districts to between 35-45%. *See Cooper*, 581 U.S. at 293.

That argument is meritless. The Commission repeats to us what Adelson so often told the commissioners: that BVAPs above 35-45% in these districts would amount to “packing” African-American voters in violation of the VRA. The Supreme Court recognized the possibility of packing claims in *Thornburg v. Gingles*, when it said that a state could violate § 2 by concentrating black voters “into districts where they constitute an excessive majority.” 478 U.S. 30, 46 n.11 (1986). In the 37 years since, however, the Court has yet to hold that any district violated § 2 on grounds of packing.

The Commission had little reason to think these districts could be the first. Begin with what the Supreme Court actually said in *Thornburg*: that an “excessive majority” of black voters

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could amount to packing in violation of the VRA. *Id.* (emphasis added). Yet here the racial targets limited these plaintiffs to a political *minority* in their districts. True, in one case—30 years ago—the plaintiffs argued that the VRA required the state to change a majority-minority district to a minority-minority one. But the Supreme Court did not recognize that as a valid theory under § 2 then—it decided the case on other grounds—and it has not done so since. *Voinovich v. Quilter*, 507 U.S. 146, 154 (1993). Moreover, in every case where the Supreme Court has found vote dilution in violation of § 2, it ordered the creation of a *majority*-minority (e.g., majority-black) district—rather than a minority-minority one, which is what (per Adelson’s advice) the Commission confined itself to here. And the Commission’s theory would make the BVAP floor necessary for “opportunity” districts under the VRA also a BVAP ceiling in those same districts. *See* MICRC Tr. at 5810-12. The Supreme Court has never said anything like that.

Thus, the Commission’s theory of potential liability, at best, is highly speculative. And speculative reasons are not “good reasons for thinking that the [VRA] *demand*ed” the racial line-drawing employed here. *Wis. Legis.*, 595 U.S. at 404 (emphasis in original; internal quotation marks omitted).

Nor did the Commission have anywhere near an adequate basis for the factual premise of its theory: namely, that black voters could in fact elect their preferred candidates at the BVAP levels prescribed for the districts here. Everyone agrees that the elections in these districts are decided in the Democratic primaries, not the general election. Yet Handley’s analysis lacked any primary-election data that was relevant to whether black voters could elect their preferred candidates at these BVAP levels. Even Adelson admitted as much. And Handley herself admitted to Szetela, at the eleventh hour, that “we simply do not know” how black-preferred candidates would fare in Democratic primaries. Yet these experts told the commissioners again and again—

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based on general-election data alone—that black-preferred candidates would “perform well” in these districts. That was a grave disservice to everyone involved with this case, above all the voters themselves.

All the districts in this case were drawn in violation of the Equal Protection Clause of the U.S. Constitution. Finally, given that holding, we need not reach plaintiffs’ § 2 claim under the VRA.

* * *

We enjoin the Secretary of State from holding further elections in these districts as they are currently drawn. And we will direct that the parties appear before this court in early January to discuss how to proceed with redrawing them.

IT IS SO ORDERED.

Date: December 21, 2023

/s/ Raymond M. Kethledge
Raymond M. Kethledge
United States Circuit Judge

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge

/s/ Janet T. Neff
Janet T. Neff
United States District Judge

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NEFF, District Judge, concurring in the result.

Although the majority reaches the correct result, I write separately because I believe the opinion is unnecessarily harsh to the Commission, Bruce Adelson, and Lisa Handley.

“Redistricting is never easy,” *Abbott v. Perez*, 138 S. Ct. 2305, 2314 (2018), and is generally accomplished behind closed doors, either by legislators or the courts so there is no way to watch it being done. In 2018, the people of Michigan overwhelmingly voted to open the doors and take the politicians out of the redistricting process with the ultimate goal of creating more fair maps. To that end, the Michigan Independent Redistricting Commission—comprised of thirteen randomly selected lay citizens—is now entrusted with making the reapportionment decisions in Michigan. The process is conducted in full view of the public, the media, and any interested group or individual. The majority opinion makes that point throughout, quoting extensively from the 10,000+ page transcript of the Commission’s work and uses the commissioners’ own words to establish that the process was fatally flawed.

The thirteen civic-minded commissioners had a difficult job with scant preparation and nearly no experience in the reapportionment process. A difficult task became nearly impossible for the Commission when the pandemic hit in 2020. The Michigan Constitution required the Commission to publish proposed redistricting plans no later than September 17, 2021, and to adopt final plans by November 1, 2021. Mich. Const. art. IV, §§ 6(7) and 6(14)(b). The pandemic caused a six-month delay in the census data, and the Commission did not start map-drawing until mid-August 2021.

Commissioner Erin Wagner succinctly described the difficulty facing the commissioners, “we were 13 citizens that didn’t know what we were doing, and so we were looking to people that . . . we were told were experts, so of course you’re going to lean on an expert’s opinion.” (ECF No. 112 at PageID.3807.) The Commission’s experts—Mr. Adelson and Dr. Handley—are highly

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respected in the redistricting field. Dr. Handley is one of the leading experts and has testified about redistricting and voting rights in numerous courts across the nation. Here, she provided her racial bloc analysis but readily admitted that she did not have the most probative primary elections results until very late in the process. (ECF No. 106 at PageID.3219.) Mr. Adelson also has an extensive resume, including acting as the Voting Rights Act counsel for the Arizona Independent Redistricting Commission in 2011.

In the face of such a daunting task, the extensive quotes of the Commission's work reflected all the best that could be expected: they took the work seriously, they worked hard to learn the job, they cooperated and collaborated, and they wanted to do the job well and right. Any suggestion otherwise does a disservice to the men and women who undertook a very difficult and unprecedented task. There was no history to follow or learn from and no role model to lead the way and to set a standard.

I do not believe that there was any ill intention by any individual in this case. In many respects, the adopted maps may have accomplished the ultimate goal of being more "fair." Previous maps commonly divided districts based on lines of historical segregation. (*See* ECF No. 102 at PageID.2653.) Were these old districts drawn predominately based on race or for another legitimate reason? We will never know because everything happened behind closed doors. Everything is public now. And the unique circumstances of this reapportionment process led to an extensive record of race predominating in the line drawing of certain districts. This finding, however, should not take away from the fact that the Commission worked extensively hard throughout this extremely difficult process to do what it thought was right.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD AGEE, JR. <i>et al.</i> ,)	
Plaintiffs,)	
)	No. 1:22-cv-272
v.)	
)	Three-Judge Court
JOCELYN BENSON, in her official)	
capacity as the Secretary of State)	
of Michigan <i>et al.</i> ,)	
Defendants.)	
_____)	

OPINION AND ORDER

PER CURIAM. On December 21, 2023, we unanimously held that the Michigan Independent Citizens Redistricting Commission violated the Equal Protection Clause of the U.S. Constitution when it drew the boundaries of thirteen state-legislative districts—seven House districts, and six Senate—predominantly on the basis of race. We therefore enjoined the Michigan Secretary of State, Jocelyn Benson, from holding further elections in those districts as they are currently drawn. *See* ECF No. 131. The Commission has now submitted a revised House plan, to which the plaintiffs have submitted several objections. We have reviewed the record before us and now overrule those objections.

I.

A.

As a matter of course, under Michigan law, the State will hold elections for every seat in the State House later this year. We therefore ordered the Commission to adopt a remedial House map before those elections take place. *See* ECF No. 156. (The Commission will prepare a remedial Senate map in the coming months.) We also appointed two special masters to assist the court during the remedial map-drawing process. First, we appointed Dr. Michael Barber to prepare

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and recommend an alternative remedial-districting plan for the court’s adoption in the event the Commission failed to provide an acceptable one. *See* ECF No. 158. Dr. Barber submitted that plan and report to the court on February 2, 2024. Second, we appointed Dr. Bernard Grofman to evaluate the Commission’s remedial plan and to offer the court his advice as to whether that plan lawfully remedies the constitutional violations identified in our December 21, 2023, opinion and order. *See* ECF No. 164.

Meanwhile, the Commission adopted several procedures for drawing its revised maps. Two are relevant here. First, the Commission unanimously voted to “establish a map-drawing process” that began “by all Commissioners proceeding with no consideration of race and with race turned off wherever possible on any map drawing software.” *See* 1/11/2024 MICRC Tr. at 44-45. That resolution also provided that—after the Commission had “prepared” a draft map in race-neutral fashion—it would send the map to its new Voting Right Act counsel, Mark Braden, for analysis. *Id.* Second, the Commission chose to draw its remedial district lines from a blank slate. *See* MICRC Tr. 1/11/24 at 42; 1/16/24 at 11, 18.

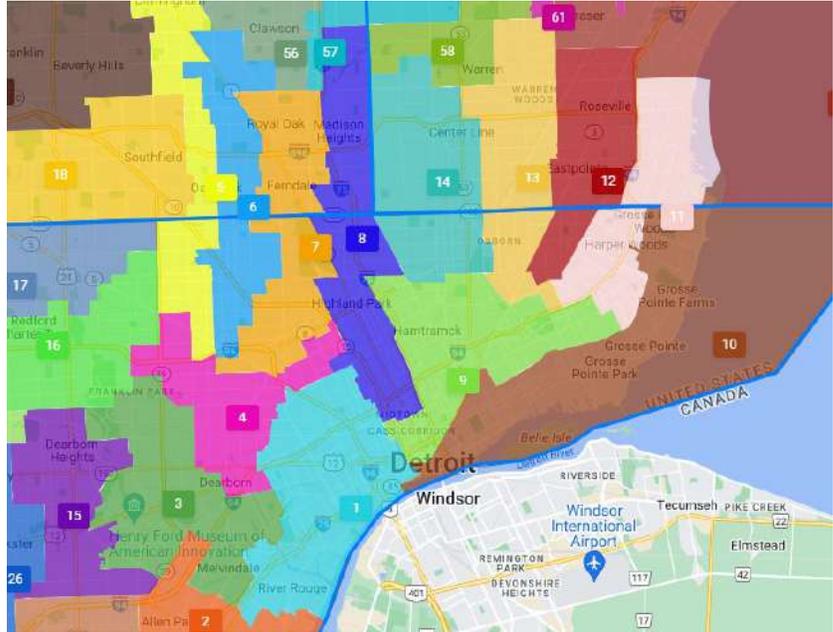
The Commission eventually put forward 10 different districting plans for public comment. Of those 10 plans, a plan called “Motown Sound” received the most public support. Specifically, according to Dr. Jonathan Rodden—whose findings on this point the plaintiffs do not dispute—the Motown Sound plan was “mentioned favorably” by 106 of the 174 people who spoke at the Commission’s February 2024 public hearings in Detroit. ECF No. 169-1, Pg. ID 5546. By contrast, the second most-popular map—“Spirit of Detroit”—was mentioned favorably by 17 speakers. *Id.*

As adopted, the remedial plan departs significantly from the Hickory plan, in which we invalidated seven House districts in our December 2023 order. The Hickory plan featured

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“spokes” northward into Oakland and Macomb counties, whose purpose and effect, we found, was to reduce the “black voting age population” (“BVAP”) in Detroit-area districts. That plan appeared as follows:



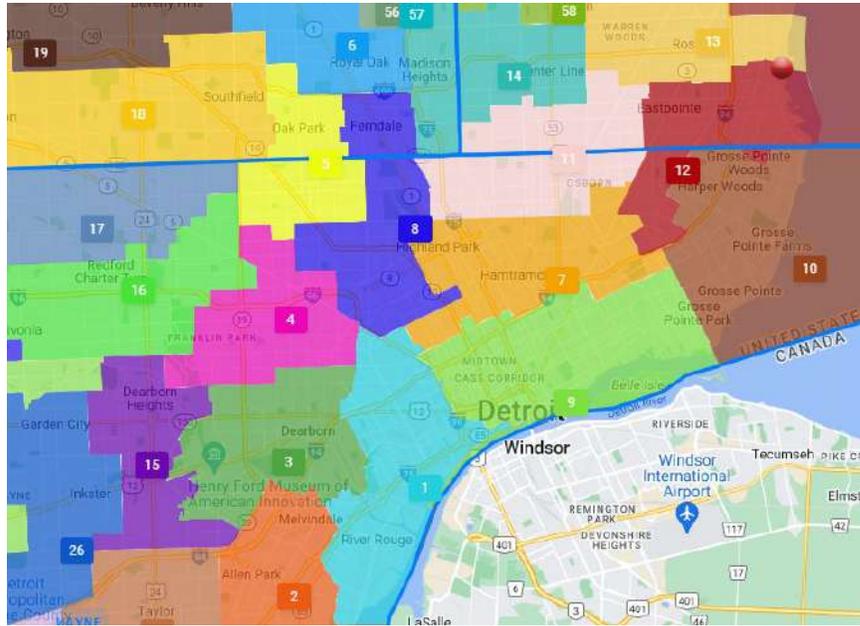
District No.		1	7	8	10	11	12	14
	Date	BVAP						
Hickory	12/28/2021	38.03	44.29	43.70	38.79	42.82	40.99	41.11

Of the seven districts that we held were unconstitutionally drawn, the Commission’s remedial plan completely redrew the boundaries of six—namely, House Districts 7, 8, 10, 11, 12, and 14. The boundaries for those districts now run principally from east to west, rather than north to south. The Commission also materially altered the boundary of House District 1—by removing the northeastern peak of the old district (which stretched into inner Wayne County, as far as Corktown and Woodbridge) and by drawing the new district further south, to encompass both River Rouge and Ecorse. To accommodate the substantial changes to the unconstitutional districts, the Commission also redrew the boundaries of eight other districts in the Detroit area—namely,

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House Districts 2, 3, 4, 5, 6, 9, 13, and 16. As a result of these changes, the number of Detroit-area districts that cross the boundary between Wayne County, on the one hand, and Oakland or Macomb, on the other, dropped from nine to four; and the number of majority-black districts in the Detroit area increased from six to eight. In addition—as to the seven districts at issue here—the remedial plan created three majority-black districts, whereas before there were none.



District No.		1	7	8	10	11	12	14
	Date	BVAP						
Motown Sound	3/1/2024	36.11	57.97	68.39	43.82	67.27	45.85	13.63

B.

The Commission submitted its remedial House plan to this court on March 1, 2024. Two weeks later, on March 15, Dr. Grofman submitted a report in which he concluded that the Commission had “addressed and remedied the race-related constitutional defects in its previous map.” ECF No. 170, Pg. ID 5806 (alterations omitted). Among other things, Grofman observed that the remedial plan both “limit[s] the number” of districts “drawn with a piece of Wayne County

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and a piece of another county extending to north,” and generally features more compact districts.

Id. Grofman also opined that the “scope of the 2024 remedial redrawing was very extensive in terms of total population shifts” across all districts, and that those changes were “necessary to remedy the problems with the previous map while simultaneously assuring population balance in all the affected districts.” *Id.* at Pg. ID 5803, 5806.

Meanwhile, on March 8, the plaintiffs filed three objections to the remedial plan. Specifically, the plaintiffs argue that the remedial plan impermissibly favors incumbents elected under the unconstitutional plan; that the remedial plan “possibly” violates the Voting Rights Act by not including more majority-black districts; and that five of the remedial districts were again drawn on the basis of race.

II.

When a court holds that district lines violate federal law, the court must typically afford the relevant state actor an adequate opportunity to prepare its own remedial-redistricting plan. *See McDaniel v. Sanchez*, 452 U.S. 130, 150 n.30 (1981) (collecting cases). During the process of drawing a remedial plan, the Supreme Court has said, the federal court should restrict the state actor only as required by “the clear commands of federal law.” *North Carolina v. Covington*, 585 U.S. 969, 979 (2018) (internal quotation marks omitted).

A.

As an initial matter, the plaintiffs allege that the Commission “outsourced” its map-drawing function to a member of the public, Christopher Gilmer-Hill. Specifically, the plaintiffs say that the Commission’s remedial plan is virtually identical to a proposed plan (named “Tiger Lily”) that Gilmer-Hill submitted through the Commission’s public-comment portal in January 2024. And

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the plaintiffs assert that, because those plans substantially overlap, the Commission simply incorporated Gilmer-Hill's map as its own.

The record does not support that assertion. To the contrary, the contemporary record of the Commission's proceedings shows that Gilmer-Hill took a draft plan configured by the Commission, proposed some changes to that plan, and then submitted it for the Commission's consideration through the public-comment portal. *See* Christopher Gilmer-Hill Public Comment, <https://www.michigan-mapping.org/submission/p9928> (last viewed March 27, 2024). Thus—as the Commission's expert, Dr. Jonathan Rodden, points out—the Commission's remedial plan substantially overlaps with Gilmer-Hill's plan because Gilmer-Hill's plan retained some 84% of what the Commission had already drawn. *See* ECF No. 169-1, Pg. ID 5551. True, the Commission later adopted some of the changes that Gilmer-Hill had proposed. *See, e.g.,* 1/25/24 MICRC Tr. at 21, 48-49. But that hardly means—as the plaintiffs allege—that the Commission “outsourced” its map-drawing function to Gilmer-Hill. On the record before us here, rather, that allegation is hyperbole.

B.

1.

The plaintiffs' first objection is that the remedial plan impermissibly favors Detroit-area incumbents, including the seven representatives elected in the unconstitutional districts in 2022. Specifically, the plaintiffs point out that, under the remedial plan, none of the Detroit-area House incumbents reside in the same district—which means that none of them will face off against each other in the next election.

The plaintiffs see two problems with that aspect of the remedial map. First, the plaintiffs say, “the Michigan Constitution expressly provides that ‘districts shall not favor or disfavor an

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incumbent elected official or candidate.” Pl. Obj. at 11 (quoting Mich. Const. art. IV, § 6(13)(e)) (alteration omitted). That is true enough. But the Supreme Court has long held that “federal courts are barred from intervening in state apportionment in the absence of a violation of federal law.” *Voinovich v. Quilter*, 507 U.S. 146, 156 (1993) (alteration omitted); see *Covington*, 585 U.S. at 979. And the plaintiffs offer no basis to conclude that we can intervene on the basis of state law here.

Second, the plaintiffs argue that—by avoiding contests between incumbents—the remedial plan “perpetuates the discriminatory effect” of the old plan. Pl. Obj. at 11. That argument runs as follows: under the remedial plan, each Detroit-area incumbent is placed in his or her own district; incumbents have advantages that render them “virtually” certain to win again; and thus, each incumbent elected in 2022—including the seven elected in unconstitutional districts—will be elected again, thereby “perpetuating the constitutional harm” of the prior districts. *Id.* at 1, 11.

That argument assumes a degree of passivity among Detroit-area voters that finds little support in the record here. To the contrary, the record shows an energized electorate that was profoundly unhappy with the racial gerrymander that we later invalidated in our December 2023 order. And in six of the seven districts at issue here, African-American voters will have markedly more power to elect their candidate of choice in 2024 than they did in 2022. Specifically, three of the redrawn districts (7, 8, and 11)—as opposed to zero in the Hickory plan—are majority-black. In addition—according to the Commission’s new VRA counsel—three other redrawn districts (1, 10, and 12) are now “opportunity” districts (in VRA jargon), based on an analysis of *primary*-election data. See ECF No. 169-2, Pg. ID 5578; ECF No. 168-7, Pg. ID 5498. That is exactly the kind of data the plaintiffs have long argued is relevant here; and the plaintiffs do not dispute that

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black voters in Districts 1, 10, and 12 will have an opportunity to elect their candidates of choice. Whether the voters in these six districts choose to retain their incumbents, therefore, is up to them.

That leaves one redrawn district with an incumbent representative and a relatively low BVAP. But the Supreme Court has never suggested that a remedial plan must arrange for the removal of every incumbent in the old plan. To the contrary, that would assign the federal courts a more intrusive role in the redistricting process than the Supreme Court has envisioned. *See, e.g., Abbott v. Perez*, 585 U.S. 579, 603 (2018) (“Federal-court review of districting legislation represents a serious intrusion on the most vital of local functions.”); *Chapman v. Meier*, 420 U.S. 1, 27 (1975) (“Reapportionment is primarily the duty and responsibility of the State through its legislature or other body, rather than of a federal court.”).

The two district-court cases that the plaintiffs cite (in one of which the court was partially reversed) are clearly distinguishable from this one. *See Covington v. North Carolina*, 283 F. Supp. 3d 410, 431 (M.D.N.C. 2018), *aff’d in part and rev’d in part*, 585 U.S. 969 (2018); *Jacksonville Branch of NAACP v. City of Jacksonville*, No. 3:22-CV-493-MMH-LLL, 2022 WL 17751416, at *1 (M.D. Fla. Dec. 19, 2022). In each of those cases, the district court found that the relevant state actor had made only minimal changes to the districts that the court had found unconstitutional. *See Covington*, 283 F. Supp. 3d at 435-40; *Jacksonville*, 2022 WL 17751416, at *16-17. Here, by contrast, the Commission completely redrew Districts 7, 8, 10, 11, 12, and 14. As noted above, those districts now run east-west rather than north-south. Indeed, in two of them—Districts 7 and 11—there is a “complete disjunction” between the old district and the new. ECF No. 170, Pg. ID 5803 n.7. District 1 was also significantly revised, though not as much as other districts were. But in all these districts the incumbent will face a substantially different group of voters than the ones

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who elected him or her in 2022—thereby eroding the advantages of incumbency. For all these reasons, we overrule this objection.

2.

Another of the plaintiffs’ objections is that the remedial plan “possibly” violates the VRA—because the Commission drew only eight majority-minority districts, whereas (the plaintiffs say) it could have drawn ten. Yet the plaintiffs make close to zero effort to show that the remedial plan actually violates the VRA. Nor do they offer any authority for the proposition that—when a state map is struck down on Equal Protection grounds—the state bears the burden of affirmatively demonstrating that its remedial plan does not violate the VRA. And this objection “embrac[es] just the sort of uncritical majority-minority district maximization that” the Supreme Court has “expressly rejected.” *Wisconsin Legislature v. Wisconsin Elections Comm’n*, 595 U.S. 398, 403 (2022) (citing *Johnson v. De Grandy*, 512 U.S. 997, 1017 (1994)). Indeed, that kind of race-conscious “maximization” can itself give rise to a racial gerrymander. *Id.* at 404. We overrule this objection.

3.

The plaintiffs’ remaining objection—in contrast to the preceding one, which invited racial line-drawing—is that, in five districts in the remedial plan, the Commission impermissibly sorted voters on the basis of race. Three of those districts are House Districts 16, 17, and 18. We have not adjudicated those districts to be unconstitutional—indeed we have not adjudicated any claim about them at all—because individual voters have standing to challenge only the district in which they live. *Alabama Legislative Black Caucus v. Alabama*, 575 U.S. 254, 263 (2015); see *United States v. Hays*, 515 U.S. 737, 744-45 (1995). And here the plaintiffs admit that none of them live

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in Districts 16, 17, or 18. Pl. Obj. at 13. The plaintiffs therefore lack standing to challenge anything about those districts.

That leaves Districts 10 and 12, as to which the plaintiffs' argument is lightly developed. Their argument is that these districts retained a "racially dilutive gerrymander" in the remedial plan—specifically, the plaintiffs say, because Commissioner Eid "directed the amendment of House Districts 10 and 12, including the pairing of Eastpointe, Harper Woods, and portions of northeast Detroit with the wealthy, predominately white lakeshore communities of St. Clair Shores and the Grosse Pointes." Pl. Obj. at 16-17.

The plaintiffs are correct that, on January 31, Eid revised Districts 10 and 12 as they were then set forth in two draft maps—namely the Spirit of Detroit, versions B and C (neither of which were put forward for public comment). *See, e.g.*, 1/31/24 MICRC Tr. at 47-50; 108. But the next day, when Commissioner Kellom began revising the districts, she discarded all of Eid's revisions and began working on her own map, which she called Motown Sound. 2/1/24 MICRC Tr. at 33. Kellom's changes did overlap to a large extent with those that Eid had suggested the day before. But Kellom explained that her goal was to "draw a map that is a mix of what different COIs have asked for." 2/1/24 MICRC Tr. at 35, 39. That is not to say that Kellom's invocation of communities of interest was sacrosanct. But Kellom's assertion in that regard has some basis in the record, given the Commission received nearly a dozen public comments asking for the Commission to keep Harper Woods together with the Grosse Pointe communities. *See, e.g.*, ECF No. 169-4, Pg. ID 5783-5796. And the plaintiffs' assertion that these districts were redrawn "with the same racially dilutive goal as the Hickory plan" is nothing more than conclusory. Pl. Obj. at 16. Indeed, that assertion does not square with the facts: the BVAP in District 10 rose from 38.8% in the Hickory Plan to 43.8% in the remedial plan, and in District 12 rose from 41% to 45.9%.

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Moreover, in both districts, as revised in the remedial plan, a plurality of voters in the Democratic primary are African-American; and in both districts—based on primary data, again in an analysis that the plaintiffs do not challenge here—black voters will have an opportunity to elect their candidates of choice. *See* ECF No. 169-2, Pg. ID 5578; ECF No. 168-7, Pg.ID 5498. We therefore overrule this objection.

* * *

On the record and objections before us here, federal law provides us no basis to reject the Commission’s remedial House plan. The plaintiffs’ objections are overruled, and the Secretary of State may proceed to implement the Commission’s remedial House plan for the 2024 elections.

IT IS SO ORDERED.

Date: March 27, 2024

/s/ Raymond M. Kethledge
Raymond M. Kethledge
United States Circuit Judge

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge

/s/ Janet T. Neff
Janet T. Neff
United States District Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD AGEE, JR., <i>et al.</i> ,)	
Plaintiffs,)	
)	No. 1:22-cv-272
v.)	
)	Three Judge Court
JOCELYN BENSON, in her official)	
capacity as the Secretary of State)	
of Michigan, <i>et al.</i> ,)	
Defendants.)	
_____)	

OPINION AND ORDER

PER CURIAM. On December 21, 2023, we unanimously held that the Michigan Independent Citizens Redistricting Commission violated the Equal Protection Clause of the U.S. Constitution when it drew the boundaries of thirteen state-legislative districts—seven House districts, and six Senate—predominantly on the basis of race. We therefore enjoined the Michigan Secretary of State, Jocelyn Benson, from holding further elections in those districts as they were drawn. (ECF No. 131). The Commission has now submitted a revised Senate map, which Plaintiffs agree “eliminates the predominate use of race that characterized” the previous plan. (ECF No. 184, 185). We have reviewed the record before us and agree that the new Senate map complies with this court’s December 21, 2023, opinion and order.

I.

Under Michigan law, the State will hold its next Senate elections in 2026. We therefore ordered the Commission to adopt a remedial Senate map before those elections

take place. (ECF No. 156). We also appointed two special masters to assist the court during the remedial map-drawing process. As relevant to the Senate map, we appointed Dr. Bernard Grofman to evaluate the Commission’s remedial plan and to offer the court his advice as to whether that plan lawfully remedies the constitutional violations identified in our December 21, 2023, opinion and order. (ECF No. 178).

In response to our December 21, 2023, opinion and order, the Commission adopted several procedures for drawing its revised maps. Two are relevant here. First, the Commission unanimously voted to “establish a map-drawing process” that began “by all Commissioners proceeding with no consideration of race and with race turned off wherever possible on any map drawing software.” *See* 1/11/2024 MICRC Tr. at 44-45. That resolution also provided that—after the Commission had “prepared” a draft map in race-neutral fashion—it would send the map to its Voting Right Act counsel for analysis. *Id.* Second, the Commission chose to draw its remedial district lines from a blank slate. *See* MICRC Tr. 1/11/24 at 42; 1/16/24 at 11, 18.

The Commission eventually put forward twelve different maps for public comment, each of which revised the configurations for Michigan Senate Districts 1, 3, 6, 8, 10, and 11. (ECF No. 182). After three public hearings in Detroit, the Commission selected the “Crane A1” plan. (ECF No. 184).

Plaintiffs filed “a statement of non-objection” to the new Crane A1 Senate map, in which they stated that the map “eliminates the former ‘spoke concept,’ reduces county splits, is reasonably compact, has an appropriate core retention, enhances minority voting opportunity, maintains an acceptable partisan balance, and does not evidence any

impermissible reliance upon race.” (ECF No. 185 at PageID.5893-94). Plaintiffs relied on the report of their expert, Dr. Sean Trende, who concluded that the remedial map “appear[s] to eliminate the predominate use of race that characterized the previous plan.” (ECF No. 185-1).

Dr. Grofman also submitted a report in which he concluded that the Commission’s remedial plan “adequately addresses the constitutional concerns of the Court by offering a plan in which race is not a preponderant motive and in which the criteria specified by the Michigan Constitution are satisfied.” (ECF No. 190). Among other things, Dr. Grofman observed that the new districts are more compact, and that none of the six invalidated districts have more than a 60% overlap with their district’s previous configuration. (ECF No. 190 at PageID.5935). Dr. Grofman also noted the substantial demographic shifts in the Crane A1 Senate map. Crane A1 includes two majority-minority districts (SD 3, SD 6), one minority opportunity district (SD 1), and one potential minority opportunity district (SD 7).

Crane A1 Senate Districts	Black Voting Age Percentage in Democratic Primaries	White Voting Age Percentage in Democratic Primaries
SD 1	46.9%	23.2%
SD 3	75.4%	13.8%
SD 6	77.3%	10.8%
SD 7	31.2%	30.6%

II.

After a court holds that electoral districts violate federal law, the court must typically afford the relevant state actor an adequate opportunity to prepare its own remedial-redistricting plan. *See McDaniel v. Sanchez*, 452 U.S. 130, 150 n.30 (1981) (collecting cases). During the process of drawing a remedial plan, the federal court should restrict the state actor only as required by “the clear commands of federal law.” *North Carolina v. Covington*, 585 U.S. 969, 979 (2018) (internal quotation marks omitted).

III.

Here, everyone agrees that the new Crane A1 Senate map complies with federal law to the extent the Commission did not impermissibly rely upon race when drafting it. Plaintiffs do not object to the new map. And the Reviewing Special Master, Dr. Grofman, recommended approving it.

The record reflects that the Crane A1 Senate map was drawn race-blind. The Commission is entitled to a presumption of legislative good faith. *Abbott v. Perez*, 585 U.S. 579, 603 (2018). And we must be “sensitive to the complex interplay of forces that enter a legislature’s redistricting calculus.” *Miller v. Johnson*, 515 U.S. 900, 915-16 (1995). We note that *Alexander v. South Carolina State Conference of the NAACP*, 144 S. Ct. 1221 (2024), decided after we filed our original order in December of last year, is inapplicable here because it dealt with the quantum of evidence required for a racial gerrymandering claim based on circumstantial evidence. By contrast, our December 21, 2023, order relied on direct evidence.

We have reviewed the record before us and agree that the new Senate map complies with this court's December 21, 2023 order. Federal law provides us no basis to reject the Commission's remedial Senate plan. The Secretary of State may proceed to implement the Commission's remedial Senate plan for the next election cycle.

IT IS SO ORDERED.

Date: July 26, 2024

/s/ Raymond M. Kethledge
Raymond M. Kethledge
United States Circuit Judge

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge

/s/ David M. Lawson
David M. Lawson
United States District Judge

Core Retention Report—Remedial House Plan, Motown Sound FC E1

Statewide Districts



New Districts	Hickory District	POPTOT	VAPTOT	POPTOT_b	POPTOT_a	pPOPTOT_a
16	16	90303	70055	93035	90303	100
2	2	80317	62866	89622	93168	86.20663
1	1	79143	55329	91856	90509	87.44213
3	3	52528	37638	93531	92206	56.96809
12	12	48768	36180	90630	89618	54.41764
10	10	43628	34243	90534	93243	46.78957
14	14	40977	32736	90555	91347	44.85862
5	5	41791	32113	92744	90105	46.38033
4	4	40227	29904	90903	93234	43.14628
13	13	36251	29444	90393	92063	39.3763
6	6	33128	27081	93629	91847	36.06868
9	9	26884	21958	90818	91712	29.3135
8	8	6886	5566	92670	92075	7.478686
15	15	92301	69652	92301	92301	100
17	17	90737	71354	90737	90737	100
18	18	92169	75714	92169	92169	100
19	19	90931	72930	90931	90931	100
20	20	93017	74684	93017	93017	100
21	21	93876	71599	93876	93876	100
22	22	91654	75487	91654	91654	100
23	23	90719	76266	90719	90719	100
24	24	91480	69996	91480	91480	100
25	25	90562	73216	90562	90562	100
26	26	91723	70678	91723	91723	100
27	27	90457	73737	90457	90457	100
28	28	91598	71385	91598	91598	100
29	29	92583	72381	92583	92583	100
30	30	93460	73606	93460	93460	100
31	31	92978	73558	92978	92978	100
32	32	92092	73449	92092	92092	100
33	33	92730	74822	92730	92730	100
34	34	92371	73142	92371	92371	100
35	35	93023	71335	93023	93023	100
36	36	89634	68621	89634	89634	100
37	37	91456	71787	91456	91456	100
38	38	93422	73770	93422	93422	100
39	39	90270	69482	90270	90270	100
40	40	90211	69763	90211	90211	100
41	41	91872	72876	91872	91872	100
42	42	91192	70454	91192	91192	100
43	43	92518	70016	92518	92518	100
44	44	89974	68782	89974	89974	100
45	45	90612	71054	90612	90612	100
46	46	91041	71551	91041	91041	100
47	47	91302	73378	91302	91302	100
48	48	92373	74656	92373	92373	100
49	49	93247	74267	93247	93247	100

50	50	93139	72160	93139	93139	100
51	51	91507	72488	91507	91507	100
52	52	91098	72818	91098	91098	100
53	53	93056	71476	93056	93056	100
54	54	92949	73853	92949	92949	100
55	55	91805	71848	91805	91805	100
56	56	90410	71737	90410	90410	100
57	57	89693	71864	89693	89693	100
58	58	90454	73423	90454	90454	100
59	59	89336	70271	89336	89336	100
60	60	92742	72453	92742	92742	100
61	61	93156	75006	93156	93156	100
62	62	90539	74114	90539	90539	100
63	63	90638	72589	90638	90638	100
64	64	91060	71638	91060	91060	100
65	65	92892	73184	92892	92892	100
66	66	93014	71767	93014	93014	100
67	67	92816	73721	92816	92816	100
68	68	93065	73273	93065	93065	100
69	69	91698	71476	91698	91698	100
70	70	90738	68117	90738	90738	100
71	71	91966	72963	91966	91966	100
72	72	92844	72890	92844	92844	100
73	73	91543	75397	91543	91543	100
74	74	90782	70233	90782	90782	100
75	75	93554	75207	93554	93554	100
76	76	92354	73043	92354	92354	100
77	77	92594	72106	92594	92594	100
78	78	92264	71687	92264	92264	100
79	79	90952	67213	90952	90952	100
80	80	92350	69344	92350	92350	100
81	81	91516	71975	91516	91516	100
82	82	91219	70814	91219	91219	100
83	83	91341	67461	91341	91341	100
84	84	91890	73379	91890	91890	100
85	85	90127	66158	90127	90127	100
86	86	90575	70221	90575	90575	100
87	87	91376	70829	91376	91376	100
88	88	90900	71051	90900	90900	100
89	89	93134	71969	93134	93134	100
90	90	91549	68467	91549	91549	100
91	91	91350	70036	91350	91350	100
92	92	92520	73959	92520	92520	100
93	93	89410	72182	89410	89410	100
94	94	90438	69020	90438	90438	100
95	95	91439	71873	91439	91439	100
96	96	90544	72724	90544	90544	100
97	97	93159	73355	93159	93159	100

98	98	92049	72801	92049	92049	100
99	99	89375	72792	89375	89375	100
100	100	91751	72641	91751	91751	100
101	101	92604	72534	92604	92604	100
102	102	91886	72924	91886	91886	100
103	103	93426	76458	93426	93426	100
104	104	89466	71871	89466	89466	100
105	105	89541	72736	89541	89541	100
106	106	90875	75466	90875	90875	100
107	107	92701	75875	92701	92701	100
108	108	89366	72443	89366	89366	100
109	109	89410	73187	89410	89410	100
110	110	90788	74036	90788	90788	100
8	7	60262	48708	92948	92075	65.44882
7	9	54554	37526	90818	91202	59.81667
11	14	48745	35806	90555	92381	52.76518
9	10	42973	36940	90534	91712	46.85646
5	6	44233	34477	93629	90105	49.0905
13	12	41181	32305	90630	92063	44.73133
10	11	40235	29438	91145	93243	43.15069
14	8	40623	33878	92670	91347	44.47108
3	4	39678	26446	90903	92206	43.03191
12	11	36279	29191	91145	89618	40.48182
6	5	33926	26761	92744	91847	36.93752
11	13	31669	23123	90393	92381	34.28086
4	3	28152	19345	93531	93234	30.19499
6	7	24793	21241	92948	91847	26.9938
7	8	18994	15289	92670	91202	20.8263
4	5	17027	12755	92744	93234	18.26265
13	11	14631	12071	91145	92063	15.89238
8	6	14984	10790	93629	92075	16.27369
9	8	14200	12566	92670	91712	15.48325
2	3	12851	9047	93531	93168	13.79336
11	8	11967	9000	92670	92381	12.95396
7	13	11082	8153	90393	91202	12.15105
8	4	9943	7694	90903	92075	10.79881
14	13	9747	7874	90393	91347	10.6703
1	2	9305	6853	89622	90509	10.28075
10	9	9380	6716	90818	93243	10.05974
9	1	7655	6311	91856	91712	8.346781
7	1	5058	3880	91856	91202	5.545931
5	7	4081	3053	92948	90105	4.52916
4	7	3812	2854	92948	93234	4.088637
12	10	2927	2325	90534	89618	3.266085
4	16	2732	2011	93035	93234	2.930261
12	13	1644	1218	90393	89618	1.834453
4	6	1284	976	93629	93234	1.37718
1	4	1055	789	90903	90509	1.16563

1	10	1006	967	90534	90509	1.111492
7	14	833	598	90555	91202	0.913357
7	12	681	470	90630	91202	0.746694

100	District was unchanged
64.8341	Resident moved to new district
60.06959	Resident moved to new district
53.82917	Resident moved to new district
47.46614	Resident moved to new district
47.24284	Resident moved to new district
45.43859	Resident moved to new district
44.14395	Resident moved to new district
43.83619	Resident moved to new district
43.64872	Resident moved to new district
39.80361	Resident moved to new district
36.58027	Resident moved to new district
35.03479	Resident moved to new district
30.09911	Resident moved to new district
26.67406	Resident moved to new district
20.49639	Resident moved to new district
18.35914	Resident moved to new district
16.05244	Resident moved to new district
16.00359	Resident moved to new district
15.32319	Resident moved to new district
13.73983	Resident moved to new district
12.91356	Resident moved to new district
12.2598	Resident moved to new district
10.93803	Resident moved to new district
10.78291	Resident moved to new district
10.38249	Resident moved to new district
10.32835	Resident moved to new district
8.333696	Resident moved to new district
5.506445	Resident moved to new district
4.390627	Resident moved to new district
4.101218	Resident moved to new district
3.23304	Resident moved to new district
2.936529	Resident moved to new district
1.818725	Resident moved to new district
1.37137	Resident moved to new district
1.160578	Resident moved to new district

1.111185	Resident moved to new district
0.919883	Resident moved to new district
0.751407	Resident moved to new district

Motown Sound FC E1 Report Statewide

New Districts	Hickory District	POPTOT	VAPTOT	POPTOT_b	POPTOT_a
1	1	79143	55329	91856	90509
2	2	80317	62866	89622	93168
3	3	52528	37638	93531	92206
4	4	40227	29904	90903	93234
5	5	41791	32113	92744	90105
6	6	33128	27081	93629	91847
8	8	6886	5566	92670	92075
9	9	26884	21958	90818	91712
10	10	43628	34243	90534	93243
12	12	48768	36180	90630	89618
13	13	36251	29444	90393	92063
14	14	40977	32736	90555	91347
16	16	90303	70055	93035	90303
15	15	92301	69652	92301	92301
17	17	90737	71354	90737	90737
18	18	92169	75714	92169	92169
19	19	90931	72930	90931	90931
20	20	93017	74684	93017	93017
21	21	93876	71599	93876	93876
22	22	91654	75487	91654	91654
23	23	30342	23137	30342	30342
24	24	91480	69996	91480	91480
25	25	90562	73216	90562	90562
26	26	91723	70678	91723	91723
27	27	90457	73737	90457	90457
28	28	72855	56780	72855	72855
29	29	71414	55343	71414	71414
31	31	48942	38776	48942	48942
49	49	47118	37808	47118	47118
51	51	91507	72488	91507	91507
52	52	91098	72818	91098	91098
53	53	93056	71476	93056	93056
54	54	92949	73853	92949	92949
55	55	91805	71848	91805	91805
56	56	90410	71737	90410	90410
57	57	89693	71864	89693	89693
58	58	90454	73423	90454	90454
59	59	89336	70271	89336	89336
60	60	92742	72453	92742	92742
61	61	93156	75006	93156	93156
62	62	90539	74114	90539	90539
63	63	49276	38685	49276	49276
65	65	31405	24755	31405	31405
66	66	93014	71767	93014	93014
68	68	5912	4733	5912	5912
72	72	18230	14379	18230	18230
7	1	5058	3880	91856	91202

9	1	7655	6311	91856	91712
1	2	9305	6853	89622	90509
2	3	12851	9047	93531	93168
4	3	28152	19345	93531	93234
1	4	1055	789	90903	90509
3	4	39678	26446	90903	92206
8	4	9943	7694	90903	92075
4	5	17027	12755	92744	93234
6	5	33926	26761	92744	91847
4	6	1284	976	93629	93234
5	6	44233	34477	93629	90105
8	6	14984	10790	93629	92075
4	7	3812	2854	92948	93234
5	7	4081	3053	92948	90105
6	7	24793	21241	92948	91847
8	7	60262	48708	92948	92075
7	8	18994	15289	92670	91202
9	8	14200	12566	92670	91712
11	8	11967	9000	92670	92381
14	8	40623	33878	92670	91347
7	9	54554	37526	90818	91202
10	9	9380	6716	90818	93243
1	10	1006	967	90534	90509
9	10	42973	36940	90534	91712
12	10	2927	2325	90534	89618
10	11	40235	29438	91145	93243
12	11	36279	29191	91145	89618
13	11	14631	12071	91145	92063
7	12	681	470	90630	91202
13	12	41181	32305	90630	92063
7	13	11082	8153	90393	91202
11	13	31669	23123	90393	92381
12	13	1644	1218	90393	89618
14	13	9747	7874	90393	91347
7	14	833	598	90555	91202
11	14	48745	35806	90555	92381
4	16	2732	2011	93035	93234

8.346781	8.333696	Resident moved to new district
10.28075	10.38249	Resident moved to new district
13.79336	13.73983	Resident moved to new district
30.19499	30.09911	Resident moved to new district
1.16563	1.160578	Resident moved to new district
43.03191	43.64872	Resident moved to new district
10.79881	10.93803	Resident moved to new district
18.26265	18.35914	Resident moved to new district
36.93752	36.58027	Resident moved to new district
1.37718	1.37137	Resident moved to new district
49.0905	47.24284	Resident moved to new district
16.27369	16.00359	Resident moved to new district
4.088637	4.101218	Resident moved to new district
4.52916	4.390627	Resident moved to new district
26.9938	26.67406	Resident moved to new district
65.44882	64.8341	Resident moved to new district
20.8263	20.49639	Resident moved to new district
15.48325	15.32319	Resident moved to new district
12.95396	12.91356	Resident moved to new district
44.47108	43.83619	Resident moved to new district
59.81667	60.06959	Resident moved to new district
10.05974	10.32835	Resident moved to new district
1.111492	1.111185	Resident moved to new district
46.85646	47.46614	Resident moved to new district
3.266085	3.23304	Resident moved to new district
43.15069	44.14395	Resident moved to new district
40.48182	39.80361	Resident moved to new district
15.89238	16.05244	Resident moved to new district
0.746694	0.751407	Resident moved to new district
44.73133	45.43859	Resident moved to new district
12.15105	12.2598	Resident moved to new district
34.28086	35.03479	Resident moved to new district
1.834453	1.818725	Resident moved to new district
10.6703	10.78291	Resident moved to new district
0.913357	0.919883	Resident moved to new district
52.76518	53.82917	Resident moved to new district
2.930261	2.936529	Resident moved to new district

Motown Sound FC E1 Report Summaries

State of Michigan

	Total Population		Voting Age Population	
District was unchanged	8,702,318	86.4%	6,860,044	86.7%
Resident moved to new district	754,182	7.5%	579,445	7.3%
District was changed, but resident stayed in district	620,831	6.2%	475,113	6.0%
Grand Total	10,077,331		7,914,602	

Highest Core District % Remaining	16	90303	97.1%
Lowest Core District % Remaining	8	6886	7.4%
Mean Average District % Remaining			52.2
Median District % Remaining			45.3

Wayne - Macomb - Oakland Counties

	Total Population		Voting Age Population	
District was unchanged	2,574,160	65.2%	2,036,561	65.9%
Resident moved to new district	754,182	19.1%	579,445	18.7%
District was changed, but resident stayed in district	620,831	15.7%	475,113	15.4%
Grand Total	3,949,173		3,091,119	

Core Retention Report—Remedial Senate Plan, Crane A1

Statewide Districts



New Districts	Linden District	POPTOT	SUM_VAPTOT	POPTOT_b	POPTOT_a	pPOPTOT_a	pPOPTOT_b	Status
1	1	159074	118749	266557	266418	59.70843	59.67729	District was changed, but resident stayed in district
2	2	192830	139760	262619	271667	70.98028	73.42576	District was changed, but resident stayed in district
3	3	136572	104484	267500	260249	52.47744	51.05495	District was changed, but resident stayed in district
4	4	245152	194314	270210	268307	91.36996	90.72647	District was changed, but resident stayed in district
5	5	234006	182778	260891	271314	86.24915	89.69493	District was changed, but resident stayed in district
6	6	127253	97350	260091	263550	48.28419	48.92634	District was changed, but resident stayed in district
7	7	235628	187848	262085	260872	90.32323	89.90518	District was changed, but resident stayed in district
9	9	251572	198466	262182	258993	97.13467	95.95319	District was changed, but resident stayed in district
10	10	27408	21127	269435	262369	10.44636	10.1724	District was changed, but resident stayed in district
11	11	116616	91654	260723	259384	44.95882	44.72793	District was changed, but resident stayed in district
13	13	116633	93701	267881	261260	44.6425	43.53911	District was changed, but resident stayed in district
23	23	123508	97779	268135	264199	46.7481	46.06187	District was changed, but resident stayed in district
24	24	126794	99933	260296	258723	49.00763	48.71147	District was changed, but resident stayed in district
12	12	258715	207870	258715	258715	100	100	District was unchanged
14	14	270717	215983	270717	270717	100	100	District was unchanged
15	15	270492	221289	270492	270492	100	100	District was unchanged
16	16	271179	213755	271179	271179	100	100	District was unchanged
17	17	270347	209069	270347	270347	100	100	District was unchanged
18	18	268291	205401	268291	268291	100	100	District was unchanged
19	19	271390	211508	271390	271390	100	100	District was unchanged
20	20	262284	200292	262284	262284	100	100	District was unchanged
21	21	263361	205416	263361	263361	100	100	District was unchanged
22	22	260296	204483	260296	260296	100	100	District was unchanged
25	25	264345	209073	264345	264345	100	100	District was unchanged
26	26	260766	206886	260766	260766	100	100	District was unchanged
27	27	259877	200250	259877	259877	100	100	District was unchanged
28	28	261214	210771	261214	261214	100	100	District was unchanged
29	29	263780	200247	263780	263780	100	100	District was unchanged
30	30	271211	212420	271211	271211	100	100	District was unchanged
31	31	264573	200843	264573	264573	100	100	District was unchanged
32	32	261805	205945	261805	261805	100	100	District was unchanged
33	33	267378	207138	267378	267378	100	100	District was unchanged
34	34	268708	213991	268708	268708	100	100	District was unchanged
35	35	270366	211487	270366	270366	100	100	District was unchanged
36	36	270486	220106	270486	270486	100	100	District was unchanged
37	37	261707	213146	261707	261707	100	100	District was unchanged
38	38	266616	217404	266616	266616	100	100	District was unchanged
1	3	31580	27848	267500	266418	11.85355	11.80561	Resident moved to new district
1	8	30834	22860	258822	266418	11.57354	11.91321	Resident moved to new district
1	4	25058	20403	270210	266418	9.40552	9.273528	Resident moved to new district
1	2	19872	12965	262619	266418	7.458955	7.566855	Resident moved to new district
2	1	78837	61369	266557	271667	29.01972	29.57604	Resident moved to new district
3	10	99259	71724	269435	260249	38.14001	36.83968	Resident moved to new district
3	8	12240	9914	258822	260249	4.703188	4.729119	Resident moved to new district
3	11	12178	8525	260723	260249	4.679365	4.670857	Resident moved to new district
4	1	19614	14861	266557	268307	7.310283	7.358276	Resident moved to new district
4	5	3541	2815	260891	268307	1.319757	1.357272	Resident moved to new district
5	13	37308	30327	267881	271314	13.75086	13.92708	Resident moved to new district
6	8	50891	39145	258822	263550	19.30981	19.66255	Resident moved to new district
6	2	49917	35853	262619	263550	18.94024	19.00738	Resident moved to new district
6	7	26457	20162	262085	263550	10.0387	10.09482	Resident moved to new district
6	1	9032	6614	266557	263550	3.427054	3.388393	Resident moved to new district
7	8	25244	19524	258822	260872	9.676776	9.753421	Resident moved to new district
8	6	132838	108361	260091	270122	49.17704	51.07366	Resident moved to new district
8	13	113940	89158	267881	270122	42.18094	42.53381	Resident moved to new district
8	5	23344	19520	260891	270122	8.642021	8.947798	Resident moved to new district
9	3	4000	3233	267500	258993	1.544443	1.495327	Resident moved to new district
9	24	3421	2804	260296	258993	1.320885	1.314273	Resident moved to new district
10	8	139613	115518	258822	262369	53.21246	53.9417	Resident moved to new district
10	3	95348	77309	267500	262369	36.34118	35.64411	Resident moved to new district
11	10	142768	114360	269435	259384	55.04118	52.98792	Resident moved to new district
13	23	144627	114101	268135	261260	55.3575	53.93813	Resident moved to new district
23	24	130081	100329	260296	264199	49.23599	49.97426	Resident moved to new district
23	9	10610	7940	262182	264199	4.015912	4.046807	Resident moved to new district
24	11	131929	104344	260723	258723	50.99237	50.60121	Resident moved to new district

Crane A1 Report Metro Wayne Districts

New Districts	Linden District	POPTOT	SUM_VAPTOT	POPTOT_b	POPTOT_a	pPOPTOT_a	pPOPTOT_b	Status
1	1	159074	118749	266557	266418	59.70843	59.67729	District was changed, but resident stayed in district
2	2	192830	139760	262619	271667	70.98028	73.42576	District was changed, but resident stayed in district
3	3	136572	104484	267500	260249	52.47744	51.05495	District was changed, but resident stayed in district
4	4	245152	194314	270210	268307	91.36996	90.72647	District was changed, but resident stayed in district
5	5	234006	182778	260891	271314	86.24915	89.69493	District was changed, but resident stayed in district
6	6	127253	97350	260091	263550	48.28419	48.92634	District was changed, but resident stayed in district
7	7	235628	187848	262085	260872	90.32323	89.90518	District was changed, but resident stayed in district
9	9	251572	198466	262182	258993	97.13467	95.95319	District was changed, but resident stayed in district
10	10	27408	21127	269435	262369	10.44636	10.1724	District was changed, but resident stayed in district
11	11	116616	91654	260723	259384	44.95882	44.72793	District was changed, but resident stayed in district
13	13	116633	93701	267881	261260	44.6425	43.53911	District was changed, but resident stayed in district
23	23	123508	97779	268135	235172	52.51816	46.06187	District was changed, but resident stayed in district
24	24	126794	99933	231269	258723	49.00763	54.82533	District was changed, but resident stayed in district
12	12	241106	193195	241106	241106	100	100	District was unchanged
22	22	12042	9357	12042	12042	100	100	District was unchanged
25	25	27625	21683	27625	27625	100	100	District was unchanged
1	8	30834	22860	258822	266418	11.57354	11.91321	Resident moved to new district
1	3	31580	27848	267500	266418	11.85355	11.80561	Resident moved to new district
1	4	25058	20403	270210	266418	9.40552	9.273528	Resident moved to new district
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13	23	144627	114101	268135	261260	55.3575	53.93813	Resident moved to new district
23	24	101054	77384	231269	235172	42.97025	43.69544	Resident moved to new district
23	9	10610	7940	262182	235172	4.511591	4.046807	Resident moved to new district
24	11	131929	104344	260723	258723	50.99237	50.60121	Resident moved to new district

Crane A1 Report by District

Status	Resident moved to new district			
Linden District	Residents Redistricted	Population size of Linden District	Percent Redistricted	
1	107483	266557	40%	
2	69789	262619	27%	
3	130928	267500	49%	
4	25058	270210	9%	
5	26885	260891	10%	
6	132838	260091	51%	
7	26457	262085	10%	
8	258822	258822	100%	
9	10610	262182	4%	
10	242027	269435	90%	
11	144107	260723	55%	
13	151248	267881	56%	
23	144627	268135	54%	
24	133502	260296	51%	

Crane A1 Report Summary

State of Michigan

	Total Population		Voting Age Population	
District was unchanged	6,379,904	63.3%	5,024,773	63.5%
Resident moved to new district	1,604,381	15.9%	1,261,886	15.9%
District was changed, but resident stayed in district	2,093,046	20.8%	1,627,943	20.6%
Grand Total	10,077,331		7,914,602	

Highest Core District % Remaining	9	251572	97.1%
Lowest Core District % Remaining	8	0	0.0%
Mean Average District % Remaining			60.9
Median District % Remaining			52.5

Wayne - Macomb - Oakland Counties

	Total Population		Voting Age Population	
District was unchanged	280,773	7.1%	224,235	7.3%
Resident moved to new district	1,575,354	39.9%	1,238,941	40.1%
District was changed, but resident stayed in district	2,093,046	53.0%	1,627,943	52.7%
Grand Total	3,949,173		3,091,119	

**MICRC 2024 Public Comment
Analysis Memo #1 Remedial
Senate Plan**





Michigan Independent Citizens Redistricting Commission (MICRC) Memo #1 — Initial Analysis of Public Comments on 2024 Remediated Senate Maps in Southeast Michigan

By Elizabeth Gelman, Danielle Hamer, Edward Plaut, and Tom Ivacko

June 2024

Executive Summary

This brief provides an initial summary of CLOSUP analysis of public comments submitted to the Michigan Independent Citizens Redistricting Commission (MICRC) in spring 2024 as part of the effort to draw new maps in Southeast Michigan as directed by a federal court. The full summary will be available in a subsequent memo.

The CLOSUP team analyzed 217 public comments from 103 individuals submitted to the MICRC between March 21 and May 21, 2024, on the proposed redistricting maps for Wayne, Oakland, and Macomb Counties. The most frequent concerns were the Commission splitting jurisdictions across districts and requests to keep Communities of Interest (COIs) whole. The team grouped these comments by county and analyzed them along these key jurisdictional and COI themes:

- **Wayne County:** Several respondents emphasized the importance of keeping Detroit whole to prevent the dilution of the city's voting power. Respondents also advocated to keep Middle Eastern and North African (MENA) communities whole by ensuring Warrendale joins Dearborn and Dearborn Heights. Others advocated to keep the Downriver areas, the Grosse Pointes and Romulus whole.
- **Oakland County:** Respondents in Oakland County emphasized the importance of keeping township communities whole. Several noted the Chaldean American community in the Troy-Rochester area and requested to be kept with the community in Sterling Heights. Townships in southeast Oakland County requested to be grouped with one another and expressed some willingness to be grouped with northern Wayne County across 8 Mile Road.
- **Macomb County:** Commenters on Macomb County expressed a desire to keep certain jurisdictions intact based on shared

Key Takeaways

- **Data:** 217 public comments on MICRC revised maps addressing 1011 specific points from March 21 to May 21, 2024.
- **Most common concerns:** 1. Keep jurisdictions whole, 2. Communities of Interest (COIs) whole
 - **Wayne:** Protect African American, Downriver, and MENA COIs. Avoid diluting Detroit's voting power with suburbs. Keep Romulus and Dearborn whole.
 - **Oakland:** Protect Chaldean COI in Rochester and Troy. Keep southeast Oakland townships whole and together.
 - **Macomb:** Protect Chaldean COI in Sterling Heights. Keep townships and cities like Warren and the Lakeshore communities whole and separate from Detroit.
- **Partisan Fairness:** Maintain fair and competitive elections. Keep process transparent.
- **CLOSUP team suggestion:** Encouraging more specific public comments, including preferences for draft maps, proposed changes, and rationales.

demographics and infrastructure. Many supported keeping Warren whole and aligning it with nearby areas, while others emphasized maintaining the integrity of Lakeshore communities. Protecting COIs, particularly the Chaldean community centered in Sterling Heights, was a key concern, with recommendations to preserve district boundaries that reflect shared economic and public service ties.

- **Partisan Fairness:** The largest share of process-related comments expressed concerns about partisan fairness and competitive districts, emphasizing the need for transparency. Commenters pointed to Macomb County as a key jurisdiction to maintain compactness. Additionally, respondents advocated for the Commission to design competitive districts that accommodate racial and cultural diversity, particularly in Detroit and Dearborn.

Background

In November 2018, the citizens of Michigan passed Proposal 2, which amended the Michigan Constitution to place congressional and state legislative redistricting in the hands of a new Michigan Independent Citizens Redistricting Commission (MICRC). The Commission drew and passed new maps for the state in 2021–22, however, in December 2023, a federal court ruled in the case of *Agee v Benson* that the MICRC must redraw seven State House and six State Senate maps. The analysis below provides details on the comments submitted in spring 2024 during hearings on the Commission’s proposed remediated State Senate maps.

Methodology

The CLOSUP team collected the comments from three sources: (1) MICRC meetings; (2) the Michigan Mapping Public Comment Portal (the “Public Comment Portal”); and (3) the My Districting Mapping Portal (the “Mapping Portal”). To assess these comments, the team pulled the comments from the relevant source and added it to the comment database spreadsheet. The database included all relevant information about the comment, including the date of testimony, where the comment was made or posted, the commenter’s name and residence (if provided), and if the commenter was representing only themselves or a group.

Next, the team divided and “coded” the comments, assigning each comment relevant codes based on its content. The CLOSUP codebook (available in full in the Appendix) has five categories of codes to represent the public comments: (1) region; (2) community of interest (COI); (3) procedural mapping comments; (4) substantive mapping comments; and (5) miscellaneous comment categories. The team used the existing codebook from earlier student drafts built during the original redistricting cycle and updated it with new codes where necessary. Naturally, most comments contained several codes to reflect the multiple requests and insights of the comment. For example, a comment from a Dearborn resident might argue that they are part of a MENA COI and ask the Commission to keep Dearborn and their COI whole in the map. This comment would receive codes 113 (Dearborn/Dearborn Heights region), 201 (MENA COI), 410 (prioritize keeping COI whole), and 411 (prioritize keeping jurisdiction whole).

In order to limit bias and efficiently code the comments, the CLOSUP team initially used the University of Michigan GPT AI service to analyze the comments. The team provided the AI with the annotated codebook and asked it to determine which codes best applied to each comment with a justification. The team members then read the full comments themselves and made necessary corrections to the AI’s code assignments. Additionally, most of the comments involved a second team member double-checking the codes and correcting the first member’s decisions when necessary.

For the purposes of this memo, the team focused on comments with codes 406 (concern that maps mishandle jurisdiction boundaries), 407 (concern that maps mishandle COIs), 410 (prioritize keeping a COI whole), and 411 (prioritize keeping jurisdictions whole). Although the MICRC constitutional criteria places COIs much higher than jurisdictional boundaries, many commenters articulated their COIs in terms of their jurisdiction. As such, the team re-reviewed comments with these codes and analyzed the testimony for recurring themes. The team split the comments internally based on the three major counties at issue in the redistricting: Wayne, Oakland, and Macomb.

Findings

Overview/Quantitative Counts

From March 21, 2024 through the May 21st, 2024 Mapping Meetings, the team coded 217 comments from 103 individual commenters. Across those submissions, the team identified 1011 specific points addressed using its codebook. The MICRC meetings, both the public hearings and the regular mapping meetings, made up the bulk of the comments, with 132 comments coming at these meetings. Eighty-eight of these comments came from the Commission's public hearings and 44 came from the regular mapping meetings. By comparison, 65 comments came from the Public Comment Portal, 17 from the Mapping Portal, one by email, and one by letter.

On one hand, that is an impressive level of resident participation over a short period of time in a process that before 2020 was conducted behind closed doors and which was not accessible to them. On the other hand, the roughly 103 unique people who submitted comments represent just a tiny sliver of the metro Detroit population. And a good number of these 103 people submitted comments more than once, with a few submitting quite a few comments across multiple meetings and across the different submission paths.

A number of speakers represented groups as opposed to speaking solely for themselves. Many comments (23) came from representatives of the Detroit Downriver Chapter of the A. Philip Randolph Institute (APRI) to advocate for Downriver Wayne County COIs. These commenters generally advocated for keeping the Downriver communities in the same district as the City of Detroit, as opposed to surrounding metro Detroit communities. Several comments (five) came from representatives of the Arab Community Center for Economic and Social Services (ACCESS) to advocate for protecting MENA COIs in Dearborn and western Wayne County. Some comments (four) represented their church community and others (six) came from municipal politicians on behalf of their constituents.

Across all respondents, the most common theme the comments addressed were jurisdictional boundaries and COIs. Sixty-six comments were concerned that a map mishandled a jurisdictional boundary, with 33 comments requesting to keep the referenced jurisdiction whole. Fifty-four comments requested that the Commission keep the referenced COI whole, with 22 concerned that the maps mishandled a COI. The most common COIs referenced were MENA communities (21), African American Communities (20), economic COIs (18), and shared public resources (11). Many other comments (29) referenced a range of other cultural or ethnic minorities in the City of Detroit and in metro Detroit, including Latino, Chaldean, and Asian American COIs.

For the most part, however, comments from across metro Detroit emphasized jurisdictional boundaries. Although the Commission's constitutional criteria prioritize addressing COIs over jurisdictional boundaries, commenters often used their city, county, or township as a shorthand reference for the bounds of their community. This meant that commenters effectively treated the jurisdiction as the COI itself (despite the court's finding that jurisdictions are not COIs for Michigan's redistricting process since they are ranked separately and lower than COIs in the

criteria). Because of this overlap between jurisdiction and COI, the most common request was for the Commission to preserve jurisdictional boundaries whenever possible. As the following county sections show, many comments requested that the Commission maintain their jurisdiction's boundaries and then explained which jurisdictions to include in their district.

Wayne County Comments

A significant number of residents (around 35) discussed communities in Wayne County. Many emphasized the importance of keeping the city of Detroit whole (although that is not possible given district population limits) or splitting it into fewer districts, some respondents citing that this would prevent diluting the voting power of Detroit's large African American population. Five comments advocated for keeping the Downriver communities along the Detroit River together. Some of these respondents requested the communities be combined with Detroit as the entire area is part of an industrial belt and therefore faces similar environmental concerns, while others recommended Detroit be kept separate due to differing economic conditions.

Arab American and MENA communities, largely centered in Dearborn, were another key concern, with multiple comments (three) urging to keep areas like Warrendale unified with Dearborn in the same district. Other commonly mentioned communities were the Grosse Pointes, which respondents requested be kept together. Several comments also highlighted Romulus, recommending the city stay intact due to the Detroit Metro Airport economic community and a particular focus on the entire city accessing one representative that can represent its unique needs. Overall, commenters aimed to unite areas with shared racial and ethnic demographics and for districts to take into account shared infrastructure and economic communities.

Oakland County Comments

Sixteen of the 89 individual commenters discussed Oakland County communities. As with Macomb and Wayne county communities, commenters generally wanted the Commission to keep their townships whole to better advocate for their shared public services. The most common COI in Oakland County (nine comments) was the Chaldean-American community. These comments noted a preference for the old Linden map's 9th State Senate district, which included Rochester, Troy, and Sterling Heights together. One commenter also noted that Troy and Sterling Heights shared an Asian American COI.

Other comments (four) from southeast Oakland County townships (Royal Oak, Southfield, Huntington Woods, Ferndale, Hazel Park, Berkley, Madison Heights) wanted to be grouped together. One commenter suggested that this collection of metro Detroit townships should run as far north as Clawson and Troy. Generally, these commenters appeared more open to the Commission "crossing" 8 Mile Road into Detroit than those from Macomb, noting similar cultural communities with northern Wayne County. These commenters did not specify how far into Wayne County they thought the Commission could reasonably extend. Although these commenters often phrased their COIs in terms of jurisdiction, many pointed to the shared school districts, community events, and shopping centers. Two commenters from the Pontiac City Council also suggested that Pontiac should be kept together with Southfield and Detroit, and not with Rochester.

Macomb County Comments

Comments from Macomb County (23) generally advocated to keep jurisdictions and COIs together. A group of comments (five) advocated for Warren to be kept whole, citing the need for more representation for the jurisdiction. One of these commenters requested Warren be grouped with Eastpointe Centerline, Roseville, and northern Detroit due to the shared infrastructure. Unlike the trend from Oakland County commenters, Macomb County comments (three) overall advocated for the separation of Detroit from Macomb County districts, rather than districts that combine areas across 8 Mile Road. They cited differing demographics between the two regions.

Six comments mentioned District 12 of the old Linden map covering the Lakeshore communities, with two recommending the Lakeshore communities are kept together (Mt. Clemens, Harper Woods, part of Clinton Township). However, one of these Lakeshore comments advocated for Fraser to be kept with western Macomb townships rather than the Lakeshore communities.

Of Macomb County comments, ten mentioned protecting COIs in the redistricting. Like Oakland County comments, the most common COI cited among commenters from Macomb County was the Chaldean community (six). Although the Chaldean comments noted multiple pockets of Chaldean population across Oakland and Macomb counties (Warren, West Bloomfield, Shelby Township), commenters consistently regarded Sterling Heights as the center of the COI. These comments advocated for the Chaldean community to be kept together and wanted the Commission to keep the Linden 9th District (Rochester, Troy, and Sterling Heights) whole. One commenter cited that these jurisdictions also share school districts, economic corridors, and federal resources. An additional comment asked the Commission to keep Sterling Heights with Macomb and Clinton Townships due to economic and public service communities of interest.

Comments on Partisan Fairness

A significant number of comments (40) related to concerns regarding partisan fairness and competitive districts. Comments call for transparently communicated and easily understood metrics of partisan fairness. They also cite competitive elections as crucial in Macomb Township, Shelby Township, and Sterling Heights, emphasizing that districts align with communities such as those formed around major infrastructures like Mound Road.

Comments within this category frequently cited Detroit and Dearborn, stressing the importance of designing competitive districts that not only accommodate the racial and cultural makeup of these communities but also promote fair elections reflective of diverse populations. For example, commenters expressed a preference for the publicly submitted “Motor City Map” as it does not excessively prioritize race while creating majority-Black districts that potentially offer a more balanced partisan mix. There is also support for maintaining compact districts in Macomb County that capture its demographic changes.

Conclusion

In conclusion, the commenters frequently requested that the Commission keep their jurisdictions whole. Commenters typically based this on their shared public services, economic hubs, and cultural similarities. For the most part, commenters from Macomb County were more averse to inclusion with Wayne County and Detroit than commenters from Oakland County. Several COIs, some spanning multiple townships and counties, asked to stay together, notably the African American, Chaldean, Downriver, and MENA communities.

To improve the findings for the June 24th memo, commissioners should continue to encourage commenters to be as specific as possible. The CLOSUP team aimed to faithfully report the content of the public comments without making unreasonable inferences. The team could often not use unspecific and generalized comments in this analysis. The best comments made specific references to the relevant subject matter (township, road, COI, etc.) and provided clear analysis of why the Commission should incorporate their suggestion.

As such, it was very helpful when commissioners asked follow-up questions at the public hearings for commenters to provide more information with their comment. The Commission or Executive Director could clarify these best practices during public hearings or follow-up public comments with additional questions. Particularly for the next memo, comments should try to specify (1) which draft maps they prefer, (2) how they would change existing draft maps, and (3) why.

Appendix

CLOSUP Annotated Codebook

The CLOSUP team’s annotated codebook and the frequency of codes in the 217 total comments. As discussed, the team performed additional analysis on the 406, 407, 410, and 411 comments.

01	Region (Either commenter residence or focus of comment)
101	City of Detroit—44 comments
102	Metro Detroit—97 comments (often touched on multiple counties) <ul style="list-style-type: none"> • Oakland County—21 comments • Wayne County—44 comments • Macomb County—30 comments • Taylor
103	Lansing area—0 comments <ul style="list-style-type: none"> • Ingham County
104	Grand Rapids area—0 comments <ul style="list-style-type: none"> • Kent County
105	East Central MI—0 comments <ul style="list-style-type: none"> • Flint • Midland • Saginaw • Tri-Cities
106	Upper Peninsula—14 comments (single commenter) <ul style="list-style-type: none"> • Marquette
107	Western MI/Lakeshore—0 comments <ul style="list-style-type: none"> • Muskegon • Berrien County • Ottawa County
108	Washtenaw County—0 comments <ul style="list-style-type: none"> • Jackson • Ann Arbor • Ypsilanti
109	Southwest MI—0 comments <ul style="list-style-type: none"> • Kalamazoo
110	Northwest Michigan—0 comments <ul style="list-style-type: none"> • Traverse City
111	Thumb—0 comments <ul style="list-style-type: none"> • Port Huron • Kingston

112	Northern Michigan—0 comments <ul style="list-style-type: none"> • South of UP, usually rural
113	Dearborn/ Dearborn Heights—23 comments
199	City, County, Municipality Other than Listed—0 comments
02	COI
201	MENA (Middle Eastern North African)—21 comments <ul style="list-style-type: none"> • Also Muslim community • Mention of ACCESS
202	African American/Black Community—20 comments
203	Native Americans/Indigenous Community—1 comment
204	Bengali—1 comment
205	Hispanic/Latino—8 comments
206	AAPI (Asian American Pacific Islander)—1 comment
207	Unions—1 comment <ul style="list-style-type: none"> • UAW (United Auto Workers)
208	Watershed—2 comments
209	Farming/agriculture—0 comments
210	Religious Community—6 comments
211	Schools and School Districts—10 comments <ul style="list-style-type: none"> • Includes universities
212	Shared Publicly Funded Resources—11 comments <ul style="list-style-type: none"> • Utilities like Water & Electric • Community Centers • Fire & Police Departments • Hospitals
213	Other economic communities—18 comments <ul style="list-style-type: none"> • Auto companies (not to be confused with unions) • Tourism
214	Minority Community- Unspecified—18 comments
215	Neighborhoods—4 comments
216	LGBTQI+ Community—0 comments
217	Rural Community—0 comments
218	Urban Community—2 comments
299	Other COI—16 comments

03	Process
301	Hiring Staff—4 comments
302	African American/Black Community—20 comments
303	Technology/Portal—8 comments
304	Request for Meetings/Continue Process—9 comments
305	Budget/Salaries—2 comments
306	Accessibility—10 comments
307	Pro-Staff—9 comments
308	Con-Staff—19 comments <ul style="list-style-type: none"> • Use also for con staff hiring
309	Legality of process—23 comments <ul style="list-style-type: none"> • Concern with constitutionality of law
310	Ensure Fair Map Voting procedure—2 comments <ul style="list-style-type: none"> • In reference to when commissioners were voting on maps
399	Other process comments—28 comments
04	Maps
401	Pro Draft Map—49 comments <ul style="list-style-type: none"> • i.e. “I like Linden, Cherry, Pine”
402	Con Draft Map—37 comments
403	Publicly Submitted Map Preference—25 comments <ul style="list-style-type: none"> • Includes support for their map submission
404	Partisan Fairness & Competitive Districts—40 comments <ul style="list-style-type: none"> • “Packing” and “cracking” comments
405	Compactness—12 comments
406	Concern that Maps Mishandle Jurisdiction Boundaries—66 comments <ul style="list-style-type: none"> • i.e, respect County, City, and Township Boundaries
407	Concern that Maps Mishandle COIs—22 comments
408	Suggested Change for a Draft Map—24 comments
409	Voting Rights Act issues—14 comments
410	Prioritize keeping COI whole—55 comments
411	Prioritize keeping Jurisdictions whole—34 comments
499	Other comments on maps—3 comments

05	Other
501	Prison Gerrymandering—0 comments
502	Name & Address Requirement for Public Comment—0 comments
503	Secret Memos/Private Meeting Concern—10 comments
504	Commissioner Political Affiliation—2 comments
599	Other unspecified—2 comments

Funding for the project has been provided by the Michigan Independent Citizens Redistricting Commission (MICRC), in addition to CLOSUP's own funds.

The analysis presented here represents the views of the authors. It does not necessarily reflect the views of the University of Michigan or the Michigan Independent Citizens Redistricting Commission (MICRC).

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**MICRC 2024 Public Comment
Analysis Memo #2 Remedial
Senate Plan**





Michigan Independent Citizens Redistricting Commission (MICRC) Memo #2 — Final Analysis of Public Comments on 2024 Remediated Senate Maps in Southeast Michigan

By Elizabeth Gelman, Danielle Hamer, Edward Plaut, and Tom Ivacko

August 2024

Executive Summary

This brief provides a review of CLOSUP analysis of public comments submitted to the Michigan Independent Citizens Redistricting Commission (MICRC) in spring 2024 as part of the effort to draw new maps in Southeast Michigan as directed by a federal court. The initial summary was presented in an earlier memo, and a final set of lessons learned, and future recommendations will be available in a subsequent memo.

The CLOSUP team analyzed 1,463 public comments to the MICRC from 415 individuals submitted between May 21 and June 21, 2024, on the proposed state senate maps for Wayne, Oakland, and Macomb Counties. The most popular of the twelve draft maps were Szetela (Plan #404) and Heron (Plan #376). The Kellom (Plan #403) and Cardinal (Plan #373) maps also received many positive comments. In general, commenters most frequently noted a map's partisan fairness performance, how the map handled relevant Detroit-area COIs, and how the map protected major jurisdictions within the new state senate districts. The team analyzed the comments by map:

- **Szetela (#404):** Szetela received the most positive comments and the highest overall net favorability rating (the number of “like” commenters minus “dislike” commenters). Commenters consistently praised the Szetela map's partisan fairness metrics and Voting Rights Act (VRA) compliance. Commenters appreciated the protection of Detroit-area COIs and many Oakland County jurisdictions. Some commenters were apprehensive about the Szetela map's splitting of the Chaldean COI in Sterling Heights and Troy.
- **Heron (#376):** Heron received the second most positive comments and the second highest overall net favorability rating. Commenters consistently praised Heron's partisan fairness

Key Takeaways

- **Data:** 1,463 public comments on MICRC revised maps, 415 unique commenters, 4,082 specific points addressed
- **Most Common Concerns:** 1. Partisan Fairness, 2. Keep Jurisdictions and Communities of Interest (COIs) whole
- **Most Preferred Maps:** 1. Szetela (Plan #404), 2. Heron (Plan #376)
 - » **Szetela (#404):** Most popular and commented on map. Commenters liked strong partisan fairness metrics and protection of Detroit and Oakland County COIs.
 - » **Heron (#376):** Second most popular. Commenters liked strong partisan fairness metrics with some hesitation on Metro Detroit COIs.
 - » **Kellom (#403):** Third highest favorability rating. Commenters liked strong partisan fairness metrics, but not as many comments as other preferred maps.
 - » **Cardinal (#373):** Heavily commented on map, but polarizing. Commenters liked the protection of the Chaldean COI, but disliked the partisan fairness numbers.
- **Region-Specific Comments**
 - » **Szetela (#404) and Kellom (#403)** received consistently positive comments across all regions.
 - » **Heron (#376)** received positive feedback from all regions except Macomb County, which gave negative feedback overall.
 - » **Cardinal (#373)** received the most disagreement across regions with negative feedback overall from all regions except Macomb County, which gave positive feedback overall.

metrics and VRA compliance. Commenters appreciated the protection of Wayne and Oakland COIs, but there was greater criticism from Macomb County residents of the map's treatment of the Chaldean COI and Macomb County communities.

- **Kellom (#403):** The Kellom map received the third highest net favorability rating, but did not receive as many total comments as the other positively rated maps. Commenters appreciated the Kellom map's treatment of Detroit's COIs, the preservation of many Oakland County jurisdictions, and the map's strong VRA compliance. Commenters did not like some of the COI districting decisions and thought that the partisan fairness metrics, while good, could have been stronger. **Cardinal (#373):** Cardinal received the most comments of any map with many positive comments, particularly
 - from Macomb County commenters. Positive commenters appreciated the protection of the Chaldean COI in Sterling Heights and Troy. However, the map received a negative net favorability rating from all other regions for its poor partisan fairness metrics.
- **Other Maps:** All other maps received negative overall favorability ratings. Crane (#385), Dove (#364), and Finch (#399), while receiving negative overall ratings, did receive positive favorability ratings overall among Macomb County commenters. Generally, commenters on the remaining eight maps pointed out the poor partisan fairness metrics and lack of protection for COIs and Detroit-area jurisdictions.

Background

In November 2018, the citizens of Michigan passed Proposal 2, which amended the Michigan Constitution to place congressional and state legislative redistricting in the hands of a new Michigan Independent Citizens Redistricting Commission (MICRC). The Commission drew and passed new maps for the state in 2021–22, however, in December 2023, a federal court ruled in the case of *Agee v Benson* that the MICRC must redraw seven State House and six State Senate maps. The analysis below provides details on the comments submitted in spring 2024 during hearings on the Commission's proposed remediated State Senate maps.

Methodology

The CLOSUP team followed a similar “coding” methodology as it did in its [May 20, 2024 memo](#). The team coded publicly submitted comments through close-of-business June 21, 2024.

Map Preference Coding: For the purposes of this memo, the team focused on draft map preferences among commenters. First, the team assigned each of the twelve draft maps a new “600” map code within its database.¹ Second, the team then used a system of decimal subcodes to indicate a comment's level of support for the maps it mentioned: 6XX.1 indicated support, 6XX.2 indicated opposition, and 6XX.3 indicated a suggested modification. For example, a comment that supported the Szetela map but disliked Dove would receive codes 611.1 (support for Szetela map) and 603.2 (opposition to Dove). The team also assigned unique Commenter ID codes to every person who submitted a comment, to track multiple submissions by a single commenter (Note: This database will be available for downloading from the CLOSUP website for any stakeholders to examine in detail.)

Using these map preference codes and the unique commenter IDs, the team evaluated each map's **net favorability rating**. The team calculated a map's net favorability by subtracting the number of unique “dislikes” from the

number of unique “likes” each map had. Because the calculation used only unique likes and dislikes, each commenter could only affect a specific map’s count once, but the team would still aggregate their “votes” across multiple comments. For example, if a unique commenter expressed support for Heron in twelve separate comments, it would still only count as one positive vote for Heron. If the same commenter then opposed Dove in a different comment, that opposition would be added to that commenter’s unique file as one negative vote for Dove.

After tallying up all positive and negative comments from each unique commenter, the team calculated the net favorability of the maps. One way to think about this calculation is as a voting ballot: each commenter could vote for, against, or make a suggestion on each map, with their single ballot aggregated across their multiple comments. Commenters could spread their thoughts across multiple comments, but could not vote on an individual map multiple times.

The team used the University of Michigan GPT AI service, with human review of its findings, in order to synthesize the broad trends across the many comments. For a further explanation of our process, please see the Appendix. All AI results were confirmed by hand to ensure their veracity.

As was discussed at previous Commission hearings, there were likely advocacy campaigns in favor and against certain draft maps. Nonetheless, our goal was to faithfully report each unique commenter’s mapping preferences. As such, we did not filter out any comments that expressed an opinion on the draft maps, even if the comment appeared to be copied from a template or mimic other comments. So long as the comment came from a unique commenter, their comment was included in our analysis.

Following the initial memo draft submitted to the Commission on June 24th, the team updated this memo, conducting quantitative and qualitative analysis of comments including:

- All Mapping Portal comments through close-of-business on Friday, June 21, 2024
- The 76 comments made at the June 13, 2024 Public Hearing
- The 26 comments made at the June 20, 2024 Public Hearing

These comments were broadly consistent with the previously described broad trends, including sentiments about COIs and specific jurisdictions. The following findings analyze all public comment submitted between May 21, 2024 and June 21, 2024.

Findings

Overview/Quantitative Counts

From the May 21, 2024 Remote Meeting through close-of-business June 21st, 2024, the team coded 1,463 comments from 415 individual commenters. Across those submissions, the team identified 4,082 specific points addressed using its codebook. The Mapping Portal made up the bulk of the comments, with 1,189 coming from that portal. 186 comments came from the Commission’s town halls, public hearings, and remote meetings. By comparison, 84 comments came from the Public Comment Portal, 2 by letter, and 2 by email. Many commenters made repeat appearances across forums, submitting a comment in the Mapping Portal, speaking at a hearing or meeting, and following up their testimony in the Public Comment Portal. Again, their support or opposition to specific maps

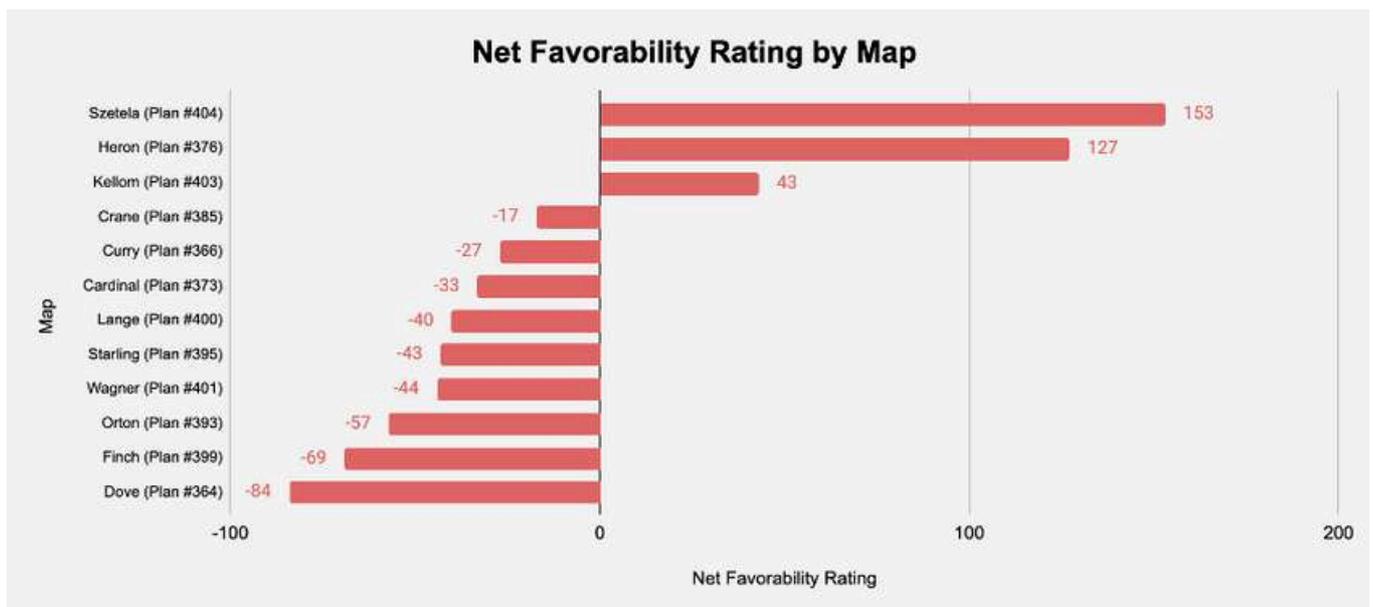
would only be counted once per map, regardless of how many times they may have expressed that support or opposition across these public input paths.

On one hand, this is an impressive level of resident participation over a short period of time in a process that before 2020 was conducted behind closed doors and which was not accessible to them. On the other hand, the 415 unique people who submitted comments represent just a tiny sliver of Michiganders. In total, 268 people submitted comments from Detroit and the metro Detroit area at issue in the redistricting. 147 commenters submitted their feedback from other parts of the state (or did not state where they were submitting from), including the Ann Arbor, Lansing, and Grand Rapids areas.

A number of speakers represented groups as opposed to speaking solely for themselves.² Several comments (5) came from representatives of the Detroit Downriver Chapter of the A. Philip Randolph Institute (APRI) to advocate for Downriver Wayne County COIs. These commenters generally advocated for keeping the Downriver communities in the same district as the City of Detroit, as opposed to surrounding metro Detroit communities. Several comments (10) came from the Chaldean Community Foundation and Chaldean Voices Matter groups, advocating for the protection of the Chaldean-American COI. Several comments (7) came from representatives of the Arab Community Center for Economic and Social Services (ACCESS) to advocate for protecting MENA COIs in Dearborn and western Wayne County. Others (2) spoke on behalf of Voters Not Politicians (VNP) in support of VNP’s partisan fairness memo or in support of politically equitable redistricting. Some municipal politicians (3) spoke on behalf of their constituents.

Individual Map Analysis

Four maps came to the forefront of our analysis: Szetela (#404), Heron (#376), Kellom (#403), and Cardinal (#373). Szetela, Heron, and Kellom maps were the only maps that received a positive net favorability rating overall. While Cardinal has negative net favorability, we included it in our analysis due to the large number of comments in both directions.



The Overall Net Favorability Rating of Each Draft Map

Szetela (Plan #404)

253 of the 415 unique commenters commented on the Szetela map, the most of any map. This map was the most popular in terms of total positive comments and net favorability rating, with 194 commenters in support of the map and 41 in opposition. Eighteen commenters noted potential changes to the map.

Partisan Fairness: Commenters praised the Szetela map's strong performance in partisan fairness, with numerous positive comments highlighting balanced representation across political parties. The Szetela map received the highest number (over 100) of favorable mentions for this criterion compared to other maps. While a few comments raised concerns about community divisions potentially impacting partisan fairness, these were significantly outweighed by positive assessments.

Geographic Representation: The map generally received positive feedback for its representation of various counties and cities, particularly in Wayne County and Oakland County. It was praised for effectively maintaining community integrity in Detroit and representing communities in Southwest Detroit. However, some concerns were raised about the division of certain communities, especially the Chaldean community, and the handling of areas like Taylor and Farmington Hills.

Communities of Interest: The Szetela map garnered significant praise for its representation of various COIs, including Latinx communities in Southwest Detroit and the MENA COI in Dearborn and Oakland counties. However, a notable criticism emerged regarding the inadequate protection of the Chaldean COI, with multiple comments indicating that this community was split across several districts. Some concerns were also raised about the division of other ethnic groups, such as the Arab community in Macomb County.

Heron (Plan #376)

245 of the 415 commenters commented on the Heron map. Heron was the second most popular map in terms of net favorability rating, with 181 commenters in support and 54 in opposition. Eleven commenters had proposed suggestions for the map.

Partisan Fairness: Heron is widely praised for its approach to partisan fairness. Although there are some critiques, the critiques are not very specific and the positive comments significantly outnumber the negative ones.

Geographic Representation: Heron received mixed feedback regarding its treatment of specific jurisdictions, viewed as representing some communities well, while splitting others. Heron was praised for protecting cities in Wayne and Oakland County like Pontiac. Some comments raised specific concerns about splits in Sterling Heights and Troy and issues with combining it with districts containing Detroit residents.

Communities of Interest: Heron is seen as fair and protective of various COIs, including Arab, Black, Latino, and LGBTQ communities, with several mentions praising its enhancement of racial equity. However, the most prominent criticism is related to the treatment of the Chaldean COI, with many comments asserting that the map either disrespects or splits this community across multiple districts, with a particular focus on fracturing Chaldean communities in the 11th district.

Kellom (Plan #403)

95 of the 415 commenters commented on the Kellom map. This map had the third highest net favorability rating, with 67 commenters in support and 24 in opposition. Four commenters had proposed suggestions for the map. Despite the Kellom map's positive reception from those that did comment, it did not receive even half as many commenters as either Heron or Szetela.

Partisan Fairness: The Kellom map received mixed feedback regarding its partisan fairness, with some comments criticizing its partisan fairness metrics. A few comments mention the need for tighter adherence to VRA compliance. While much of the feedback leans negative, some comments suggest that the Kellom map ranks well or second-best after the Szetela map in achieving balanced representation.

Geographic Representation: Some commenters acknowledge that the Kellom map protects certain geographic communities, particularly Oakland County interests, while others disapprove of the map's boundary decisions affecting cities like Royal Oak. Some say the map does well in preserving community boundaries surrounding Detroit. Several comments approved of the Kellom map's representation of Detroit, as well as downriver communities and their industrial-related needs, while others noted that the Kellom map was not representative of Detroit areas. Some comments suggested that the Kellom map combines areas that may not share common interests, such as merging Harper Woods and Detroit with the Grosse Pointes, or linking Southern Oakland County with Macomb.

Communities of Interest: Several comments note that the map effectively keeps Southwest Detroit together, aligning with the interests of the Hispanic community in that area. Other comments assert that the Kellom map divides COIs like the Chaldean community.

Cardinal (Plan #373)

220 of the 415 commenters commented on the Cardinal map. Cardinal had the sixth highest net favorability rating (though it's negative overall), with 90 commenters in favor of the map and 123 in opposition. Seven commenters had proposed changes for the map.

Partisan Fairness: Negative sentiment on partisan fairness stands out, with a substantial number of comments arguing that Cardinal is bad for partisan fairness.

Geographic Representation: Several comments note that Cardinal divides Romulus, noting the importance that the municipality be kept whole because of its unique needs due to Detroit Metro Airport and other transportation infrastructure. Commenters laud the map for keeping certain areas in Macomb County whole. Others mention that the map protects Detroit neighborhoods. Some criticism comes from the mention that while Cardinal keeps specific communities together, it fails to be as representative or inclusive of all community needs, such as the industrial-related needs of downriver communities, compared to other maps like Heron and the Kellom map.

Communities of Interest: Many of the positive commenters on Cardinal noted the map's protection of the Chaldean COI akin to the old Linden map. Other commenters mentioned that Cardinal also protects Arab communities and the Clinton River Watershed. Meanwhile, some comments broadly mention that the map fails to promote racial equity and question whether the map would comply with the VRA.

Other Maps

The remaining maps received consistently negative feedback overall. Crane received 77 commenters and had the fourth highest net favorability rating, with 28 positive commenters and 45 negative commenters. Curry received 64 commenters and the fifth highest net favorability rating, with 16 positive commenters and 43 negative commenters. Lange received 64 commenters and the seventh highest net favorability rating, with 11 positive commenters and 51 negative commenters. Starling received 60 comments and the eighth highest favorability rating, with 7 positive commenters and 50 negative. Wagner received 58 comments and the ninth highest favorability rating, with 6 positive commenters and 50 negative commenters. Orton received 72 commenters and the ninth highest favorability rating, with 7 positive commenters and 64 negative commenters. Finch received 100 commenters and the tenth highest rating, with 14 positive commenters and 83 negative commenters. Dove received 126 commenters and the lowest favorability rating, with 19 positive commenters and 103 negative commenters.

Partisan Fairness: The public commentary on the proposed Crane, Starling, Dove, Finch, Curry, Lange, Orton, and Wagner maps was significantly dissatisfied overall with partisan fairness. This trend is pronounced in remarks about Dove, Orton, Finch, Lange, and Wagner. Many comments also raised potential issues with the Voting Rights Act, where commenters were concerned that the Lange, Wagner, and Curry maps would not provide sufficient minority-majority representation compared to the original Linden map.

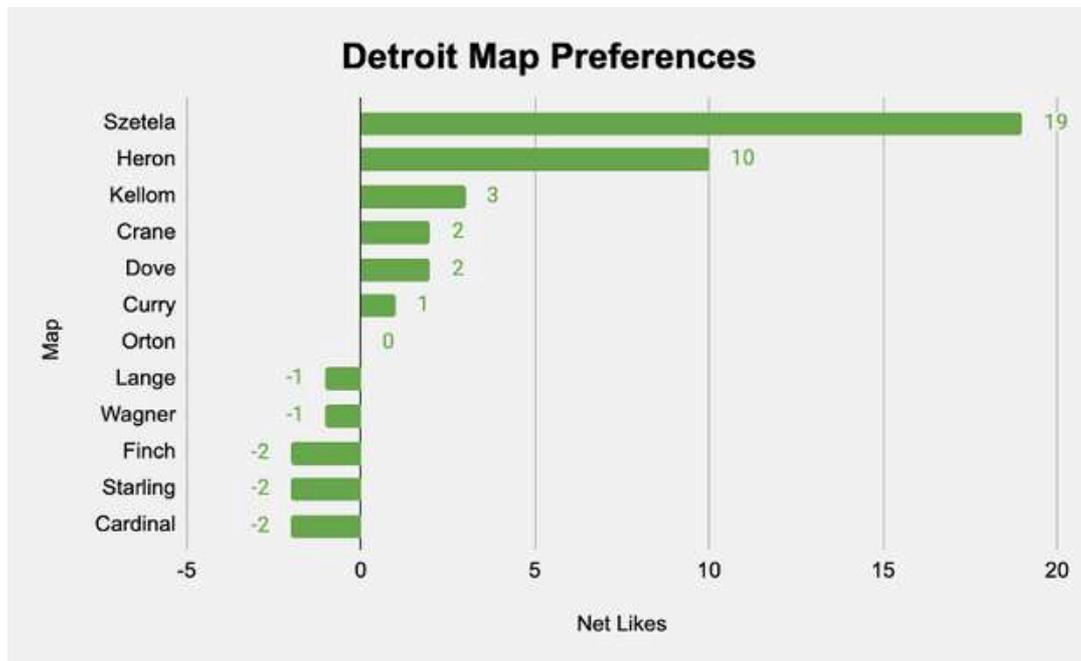
Communities of Interest: The handling of communities of interest (COIs), including the representation of minority groups, emerged as another significant concern from the comments. Commenters criticized these specific maps for their handling of diverse ethnic COIs, with the Chaldean community frequently cited as a group that has been unfavorably split, particularly by the Orton and Wagner maps. Moreover, commenters contended that maps like the Lange and Curry maps undermined the African American COI's representation in and near Detroit, noting potential VRA compliance issues. Downriver communities also argued that Crane failed to represent the unique economic and environmental interests of more industrial Wayne County communities.

Geographic Representation and Community Boundaries: Comments also address the issue of geographical cohesion and respect for community boundaries in the proposed maps. Commenters criticized the combination of distinct communities—linking urban to rural communities or grouping districts that do not share common interests—in the Starling and Wagner maps. Commenters disliked the connection between disparate communities such as Harper Woods, Detroit, and Grosse Pointes, or Sterling Heights and rural Macomb County.

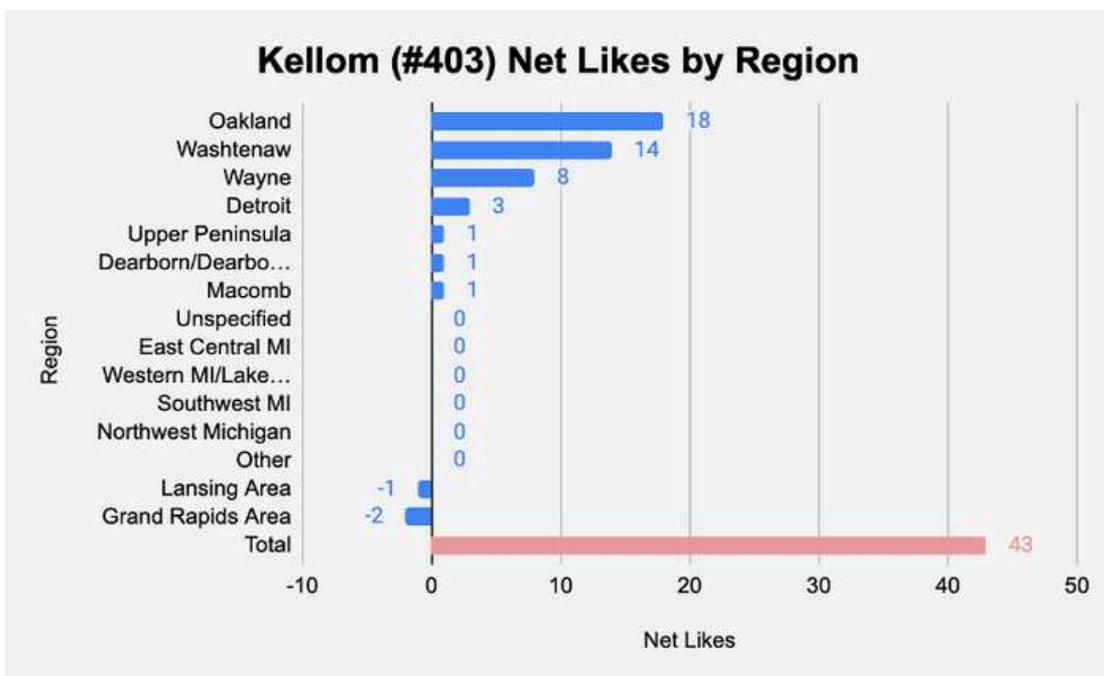
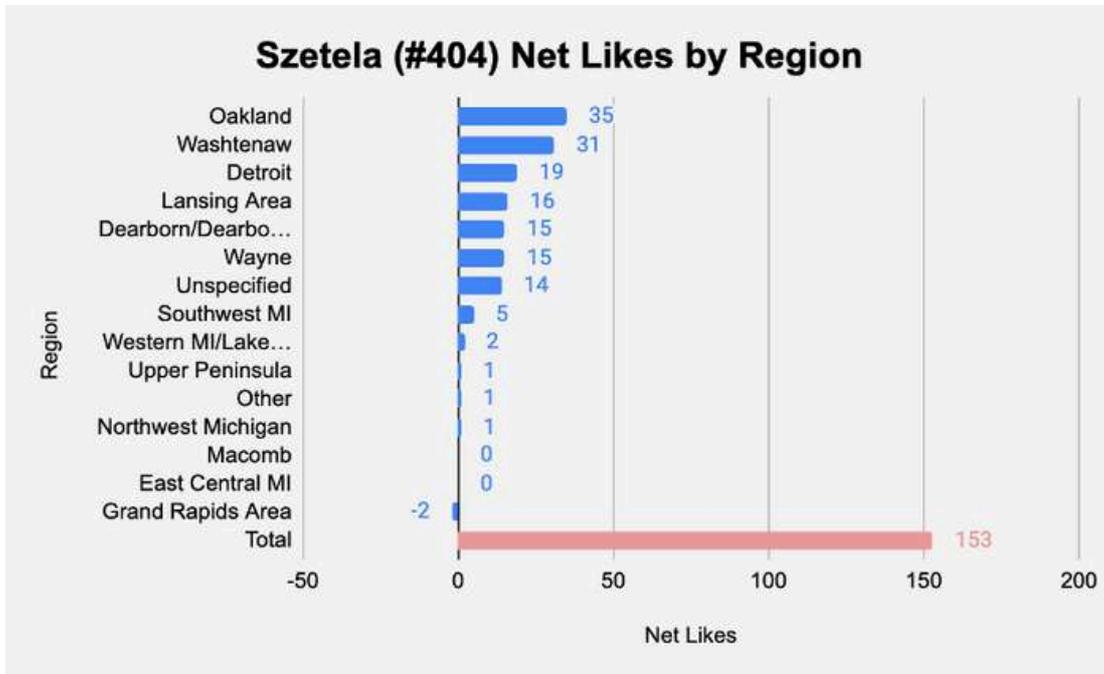
Regional Map Preferences

We analyzed the relationship between a commenter's location and their mapping preferences. In total, 102 commenters came from Oakland County, 59 from Macomb County, 51 from Detroit, 19 from Dearborn and Dearborn Heights, 37 from other Wayne County areas, 49 from the Lansing area, 40 from Washtenaw County, 4 from the Grand Rapids area, 7 from Southwest Michigan, 2 from East Central Michigan, 2 from Western Michigan, 2 from the Upper Peninsula, 1 from Northwest Michigan, and 39 from an unlisted or unreported location.

As a whole within each region, commenters tended to be in agreement with one another about liking or disliking a map. Commenters from Detroit rated the Szetela and Heron maps most favorably. Oakland County commenters were largely in agreement on liking the Szetela, Heron, and Kellom maps, and Macomb County commenters vastly favored Cardinal. Washtenaw County commenters liked the Szetela and Heron maps most, Finch and Cardinal least.³

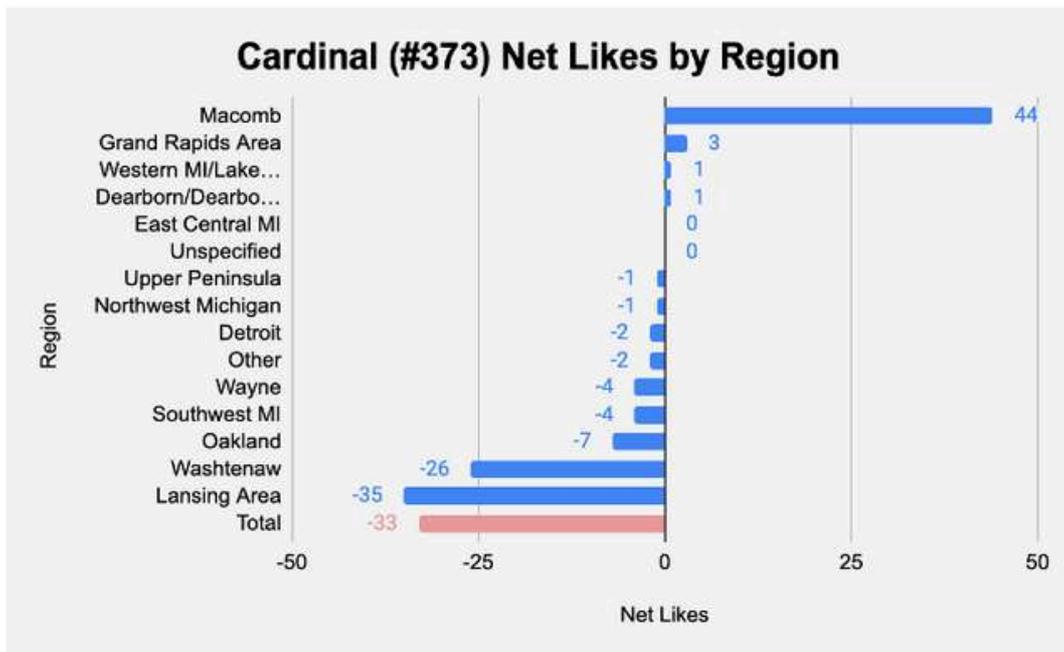
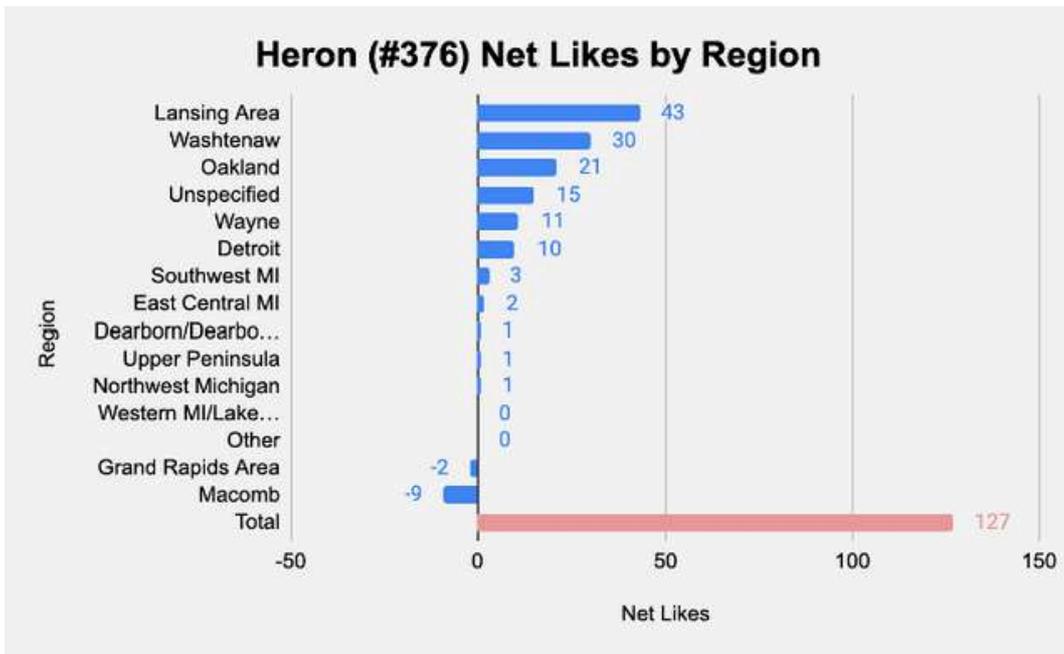


Next, we examined the regional breakdown in preference for each individual map. While we calculated the aggregate net favorability rating for each map, this additional analysis broke down that number further. Many maps showed agreement across regions. The Wagner, Orton, Lange, and Starling maps all consistently had a negative net favorability rating across almost all regions.⁴ Finch, Dove, Curry, and Crane were additionally quite consistently negative apart from Macomb County comments which were net positive. The Szetela and Kellom maps both received mostly consistently positive net favorability ratings across regions.



Heron (#376), Cardinal (#373), and Macomb County

Heron and Cardinal received split feedback across regions. Heron, while receiving an aggregate positive net favorability rating of 127, was overall disliked by Macomb County residents (-9). Commenters from the Lansing area (+43), Washtenaw County (+30), and Oakland County (+21) comprised the majority of positive net commenters. Cardinal, however, received the most disagreement across regions. While the aggregate net favorability rating shows a net negative of -33 commenters, Macomb County commenters overwhelmingly favored this map with a net positive of 44 commenters. Oakland County (-7), Washtenaw County (-26), and Lansing area (-35) commenters, however, had net negative comments.



Conclusion

In conclusion, the Szetela (#404), Heron (#376), and Kellom (#403) maps received the highest net favorability ratings, with the Szetela map receiving the highest overall rating. The Cardinal (#373) map also received many positive commenters, but still had an overall negative net favorability rating. The remaining eight maps received broadly negative ratings.

In making their comment, commenters emphasized (1) the importance of partisan fairness metrics and (2) the protection of their COI and jurisdiction. There were regional preferences among the different maps, but the Szetela map was still positively rated overall across all regions.

The CLOSUP team will provide suggestions and changes to the public comment solicitation and analysis process for future redistricting cycles in a later memo.

Notes

1. See the Appendix for a breakdown of the new 600 codes.
2. JUNE 25, 2024 UPDATE: These totals changed with the introduction of new mapping data. These numbers are not updated.
3. See the Appendix for the map preferences of other, non-Detroit regions.
4. See Appendix for regional breakdowns of Wagner, Orton, Lange, Curry, and Starling.

Appendix

CLOSUP Annotated Codebook

Note: The numbers in the codebook have not been updated since the initial June 24, 2024 memo. The CLOSUP team’s annotated codebook and the frequency of codes in the 1155 total comments.

NOTE: the listed frequencies **do not** account for unique commenters.

01	Region (Either commenter residence or focus of comment)
101	City of Detroit—111 comments
102	Metro Detroit—610 comments (often touched on multiple counties) <ul style="list-style-type: none"> • Oakland County—366 comments • Wayne County—78 comments • Macomb County—166 comments • Taylor
103	Lansing area—198 comments <ul style="list-style-type: none"> • Ingham County
104	Grand Rapids area—21 comments <ul style="list-style-type: none"> • Kent County
105	East Central MI—4 comments <ul style="list-style-type: none"> • Flint • Midland • Saginaw • Tri-Cities
106	Upper Peninsula—8 comments (single commenter) <ul style="list-style-type: none"> • Marquette
107	Western MI/Lakeshore—9 comments <ul style="list-style-type: none"> • Muskegon • Berrien County • Ottawa County
108	Washtenaw County—185 comments <ul style="list-style-type: none"> • Jackson • Ann Arbor • Ypsilanti
109	Southwest MI—13 comments <ul style="list-style-type: none"> • Kalamazoo
110	Northwest Michigan—1 comment <ul style="list-style-type: none"> • Traverse City
111	Thumb—0 comments <ul style="list-style-type: none"> • Port Huron • Kingston

112	Northern Michigan—0 comments <ul style="list-style-type: none"> • South of UP, usually rural
113	Dearborn/ Dearborn Heights—30 comments
199	City, County, Municipality Other than Listed—7 comments
02	COI
201	MENA (Middle Eastern North African)—143 comments <ul style="list-style-type: none"> • Also Muslim community • Mention of ACCESS
202	African American/Black Community—87 comments
203	Native Americans/Indigenous Community—0 comments
204	Bengali—5 comments
205	Hispanic/Latino—14 comments
206	AAPI (Asian American Pacific Islander)—13 comments
207	Unions—0 comments <ul style="list-style-type: none"> • UAW (United Auto Workers)
208	Watershed/ Environmental COI—10 comments
209	Farming/agriculture—0 comments
210	Religious Community—4 comments
211	Schools and School Districts—12 comments <ul style="list-style-type: none"> • Includes universities
212	Shared Publicly Funded Resources—19 comments <ul style="list-style-type: none"> • Utilities like Water & Electric • Community Centers • Fire & Police Departments • Hospitals
213	Other economic communities—22 comments <ul style="list-style-type: none"> • Auto companies (not to be confused with unions) • Tourism
214	Minority Community- Unspecified—9 comments
215	Neighborhoods—10 comments
216	LGBTQI+ Community—17 comments
217	Rural Community—8 comments
218	Urban Community—11 comments
299	Other COI—109 comments <ul style="list-style-type: none"> • Includes Chaldean COI

03	Process
301	Hiring Staff—0 comments Hearing Conduct—9
302	comments Technology/Portal—1 comment Request
303	for Meetings/Continue Process—0 comments
304	Budget/Salaries—0 comments Accessibility—4
305	comments Pro-Staff—0 comments Con-Staff—4
306	comments
307	
308	<ul style="list-style-type: none"> • Use also for con staff hiring
309	Legality of process—8 comments <ul style="list-style-type: none"> • Concern with constitutionality of law
310	Ensure Fair Map Voting procedure—0 comments <ul style="list-style-type: none"> • In reference to when commissioners were voting on maps
399	Other process comments—30 comments
04	Map Themes
404	Partisan Fairness & Competitive Districts—677 comments
405	Compactness—7 comments
406	Concern that Maps Mishandle Jurisdiction Boundaries—64 comments <ul style="list-style-type: none"> • i.e., respect County, City, and Township Boundaries
407	Concern that Maps Mishandle COIs—38 comments
409	Voting Rights Act issues—44 comments
410	Prioritize keeping COI whole—387 comments
411	Prioritize keeping Jurisdictions whole—119 comments
499	Other comments on maps—3 comments
05	Other
501	Prison Gerrymandering—0 comments
502	Name & Address Requirement for Public Comment—0 comments
503	Secret Memos/Private Meeting Concern—1 comment
504	Commissioner Political Affiliation—0 comments
599	Other unspecified—0 comments

06	Draft Maps (total pro/con/change comments, including by repeat commenters)
601	Cardinal (Plan #373) <ul style="list-style-type: none"> • 601.1, Pro—163 comments • 601.2, Con—136 comments • 601.3, Change—7 comments
602	Crane (Plan #385) <ul style="list-style-type: none"> • 602.1, Pro—54 comments • 602.2, Con—47 comments • 602.3, Change—4 comments
603	Dove (Plan #364) <ul style="list-style-type: none"> • 603.1, Pro—35 comments • 603.2, Con—116 comments • 603.3, Change—4 comments
604	Finch (Plan #399) <ul style="list-style-type: none"> • 604.1, Pro—26 comments • 604.2, Con—87 comments • 604.3, Change—3 comments
605	Heron (Plan #376) <ul style="list-style-type: none"> • 605.1, Pro—219 comments • 605.2, Con—112 comments • 605.3, Change—11 comments
606	Starling (Plan #395) <ul style="list-style-type: none"> • 606.1, Pro—7 comments • 606.2, Con—72 comments • 606.3, Change—3 comments
607	Curry Map (Plan #366) <ul style="list-style-type: none"> • 607.1, Pro—29 comments • 607.2, Con—45 comments • 607.3, Change—5 comments
608	Kellom (Plan #403) <ul style="list-style-type: none"> • 608.1, Pro—89 comments • 608.2, Con—26 comments • 608.3, Change—5 comments
609	Lange Map (Plan #400) <ul style="list-style-type: none"> • 609.1, Pro—21 comments • 609.2, Con—56 comments • 609.3, Change—4 comments
610	Orton Map (Plan #393) <ul style="list-style-type: none"> • 610.1, Pro—19 comments • 610.2, Con—70 comments • 610.3, Change—1 comment

611	Szetela Map (Plan #404) <ul style="list-style-type: none"> • 611.1, Pro—234 comments • 611.2, Con—94 comments • 611.3, Change—20 comments
612	Wagner Map (Plan #401) <ul style="list-style-type: none"> • 612.1, Pro—11 comments • 612.2, Con—55 comments • 612.3, Change—5 comments

University of Michigan GPT Analysis

The CLOSUP team used the following prompts to track broad trends from the CLOSUP public input database. First, the team created short summary sentences (“Heron protects partisan fairness.”) for each of the public comments to provide the U-M AI clear, consistent data. Such sentences were quite short given the size of the comment database.

Second, the team asked the AI the below prompts in order to summarize those sentences.

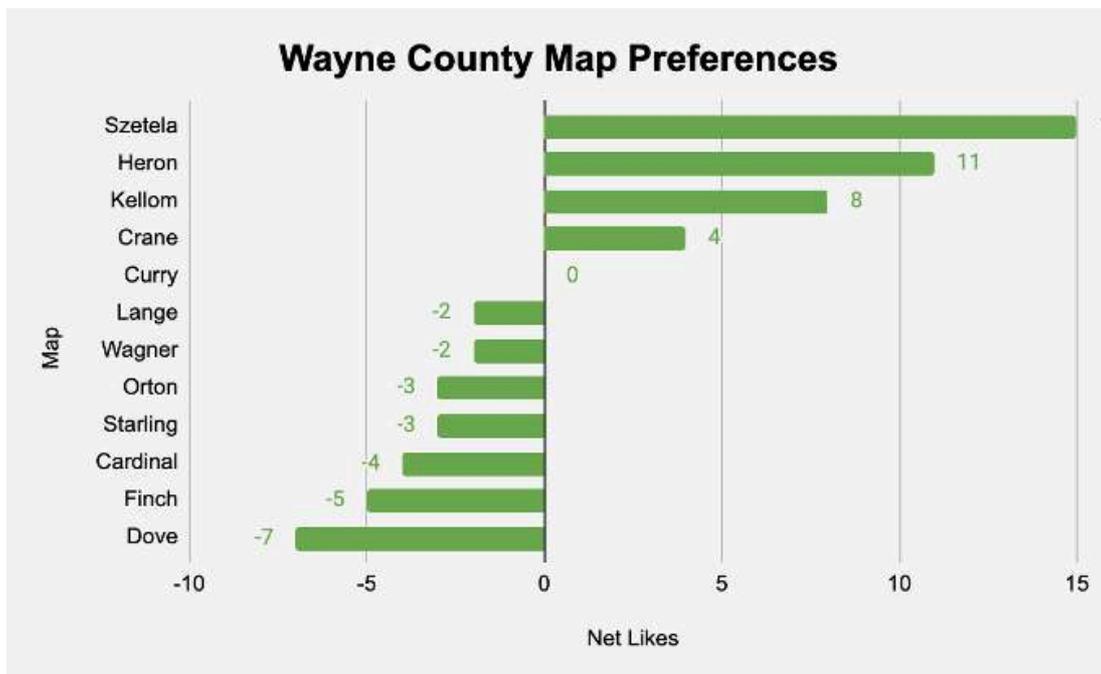
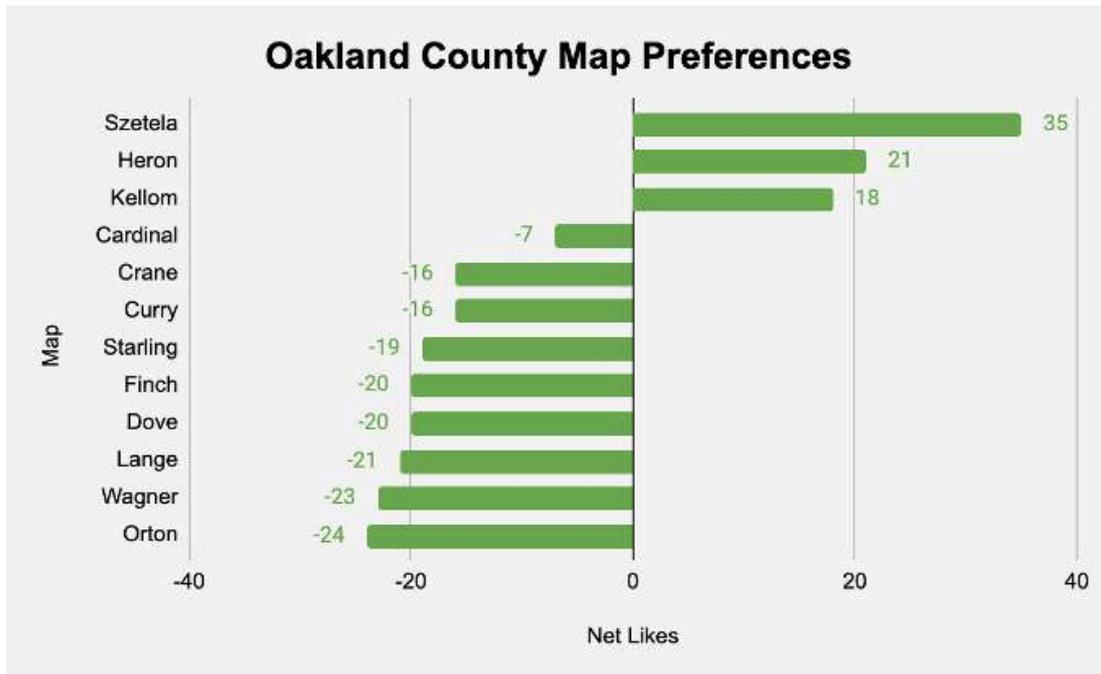
1. Please use the following sentences, each of which is a unique comment, to extract topline trends about the [XX] map. Consider commenters ‘ suggestions for changes to the map, disadvantages of the map, and advantages. Please explain which share of comments were negative/positive, etc. and be as specific as possible. Please accurately refer to the share of comments when possible to explain trends.

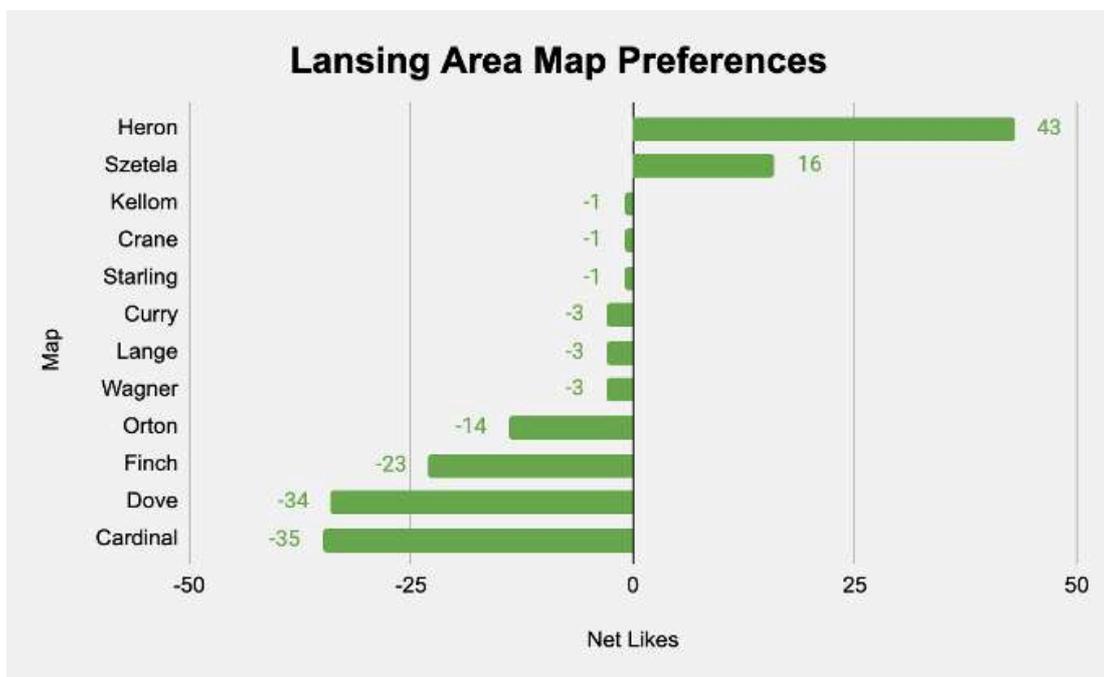
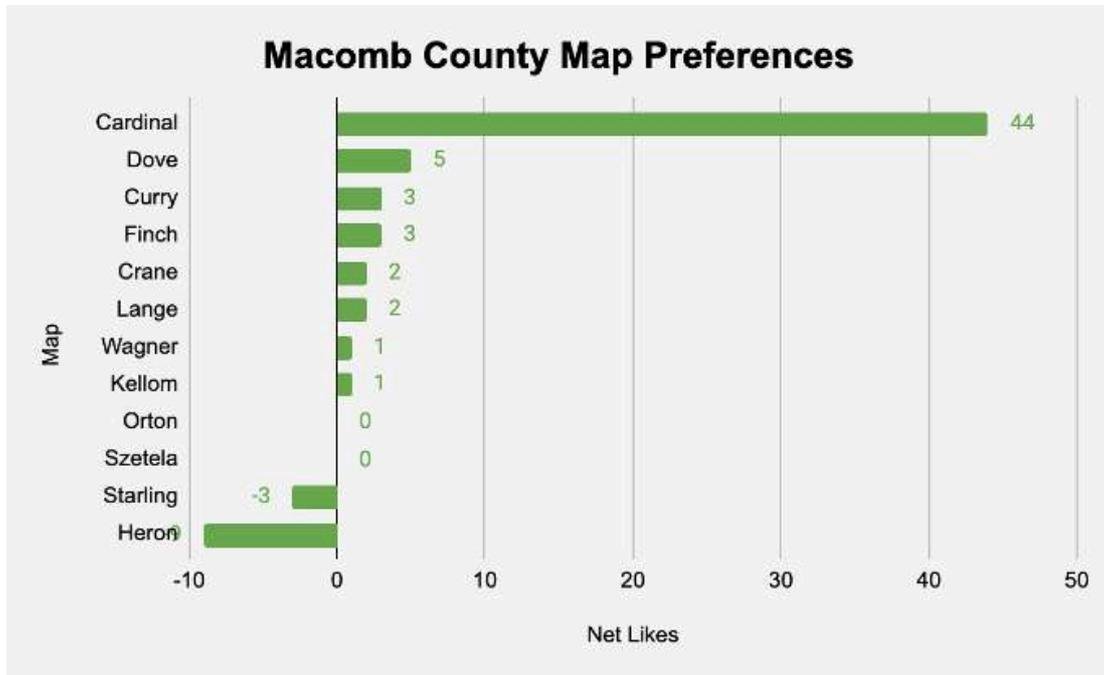
2. Using the comments above, please analyze each of the following themes: 1). How many comments believe the map to have partisan fairness? How many criticize partisan fairness? What are the general takeaways about fairness in this map? 2). What do the comments say about how the map draws districts in specific locations, including in Macomb County? Wayne County? Oakland County? The city of Detroit? 3). What do the comments say about the map’s treatment and representation of communities of interest (COIs) and minority communities?

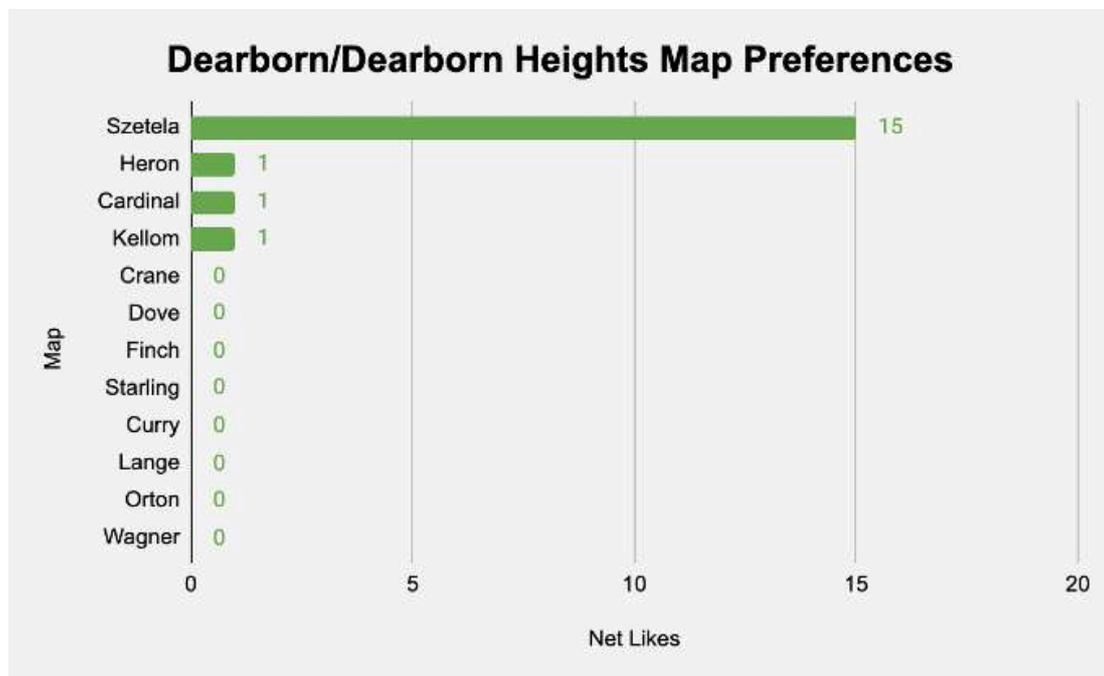
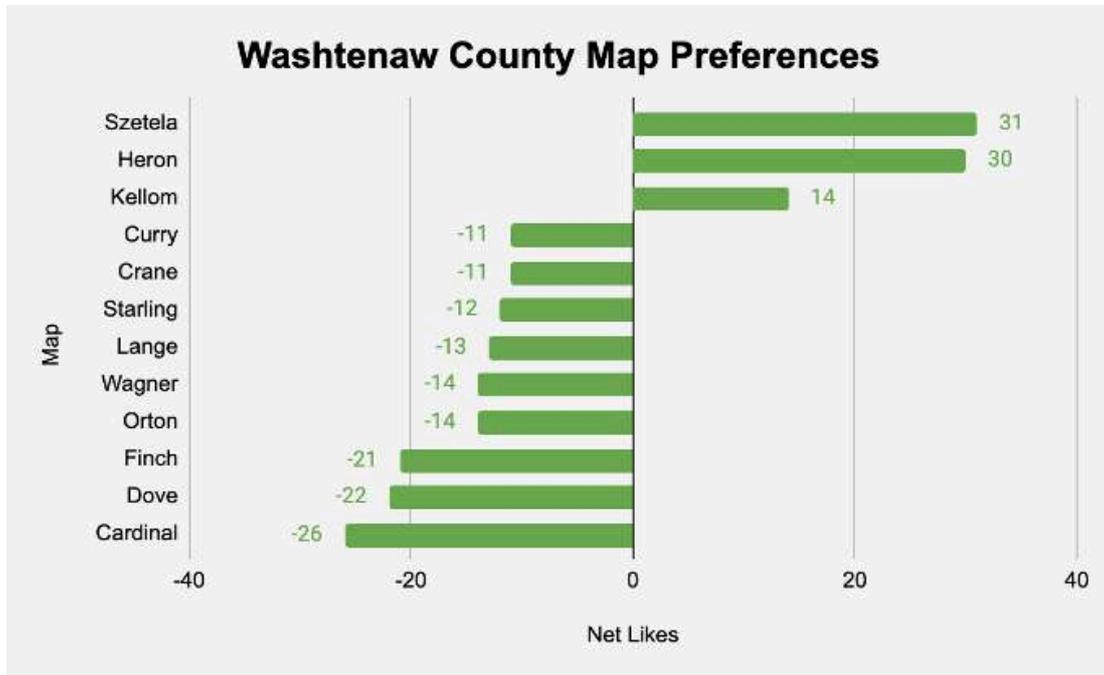
Information extracted from U-M GPT was subsequently cross referenced in the public comment database by members of the CLOSUP team. Although the team members hand-coded every comment in the database, there were simply too many comments to offer an unbiased and complete analysis of the feedback. Nonetheless, the team made necessary corrections to the AI’s responses summarizing the map preference trends in the below map-specific findings. The U-M GPT interface can be found [here](#).

Other Regional Preference Data

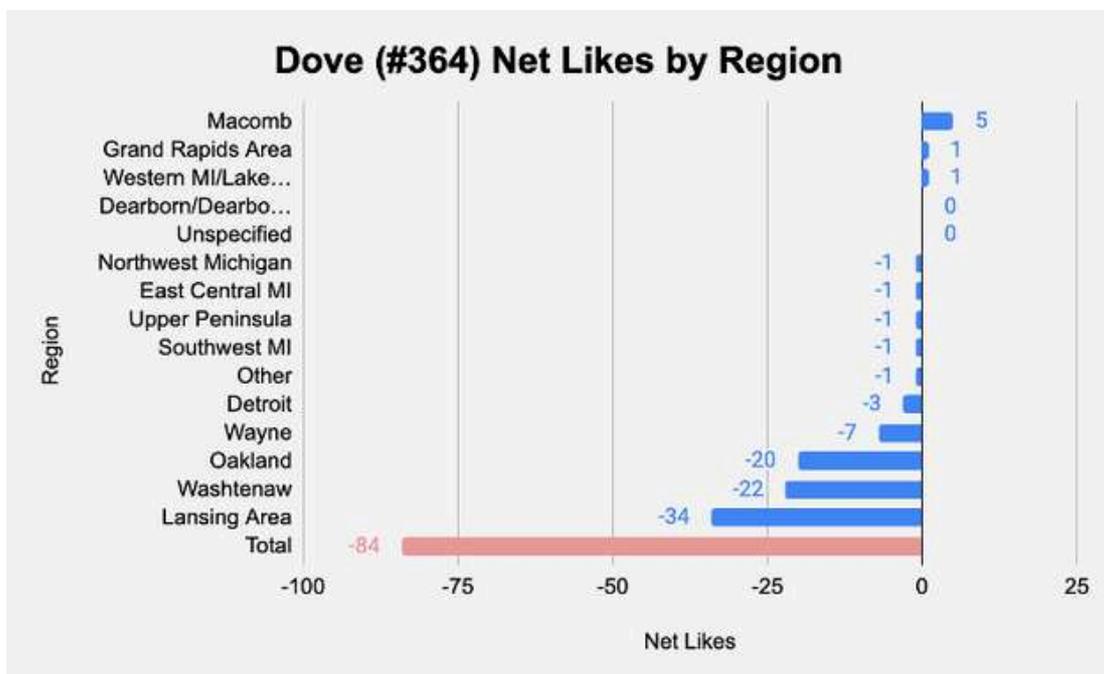
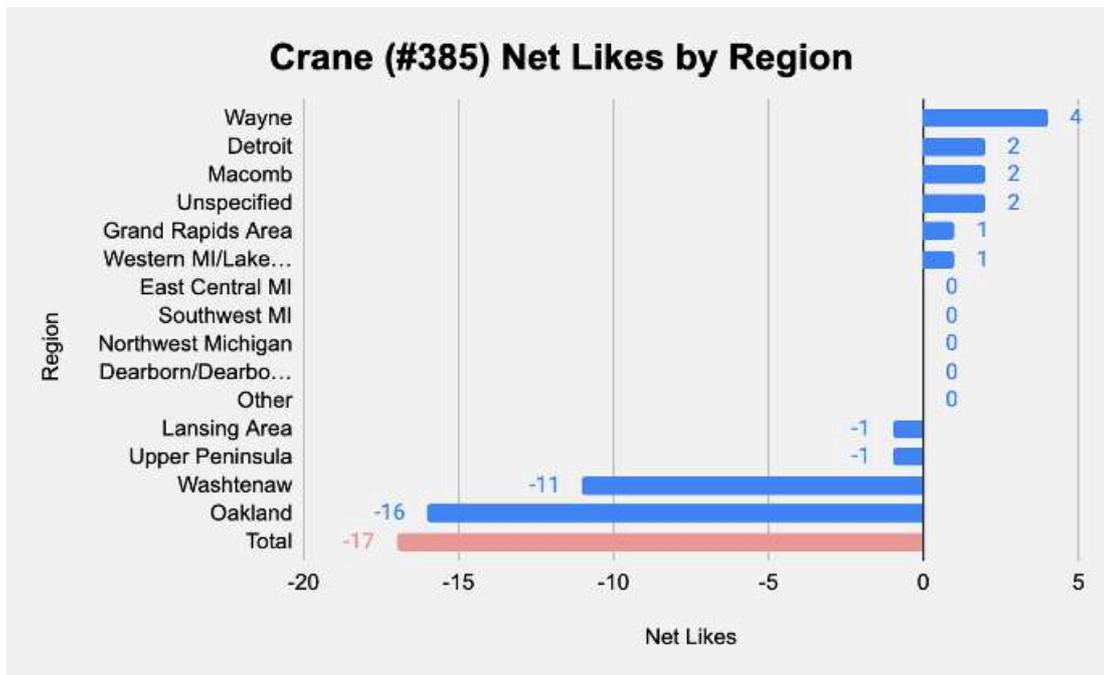
The map preferences of regions with the most commenters.

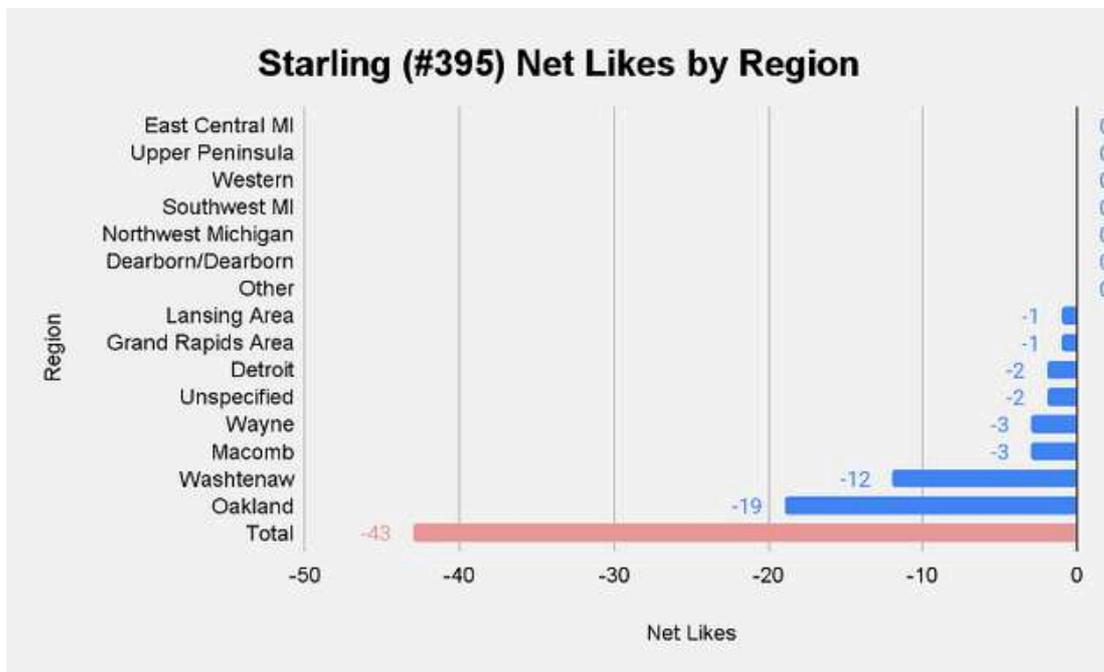
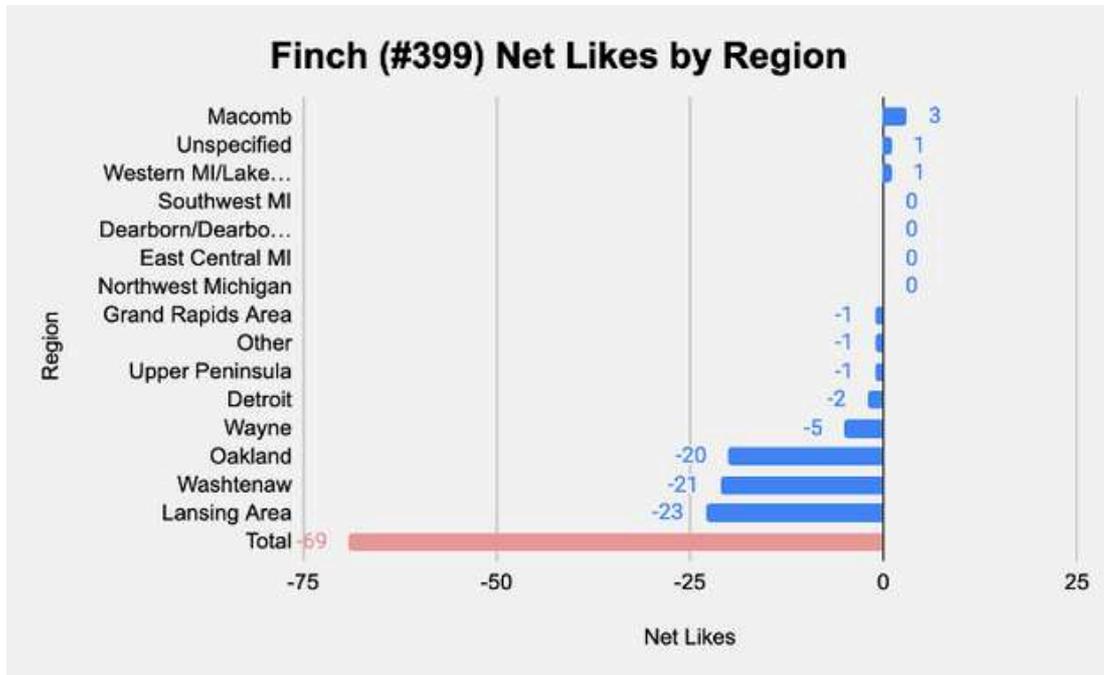


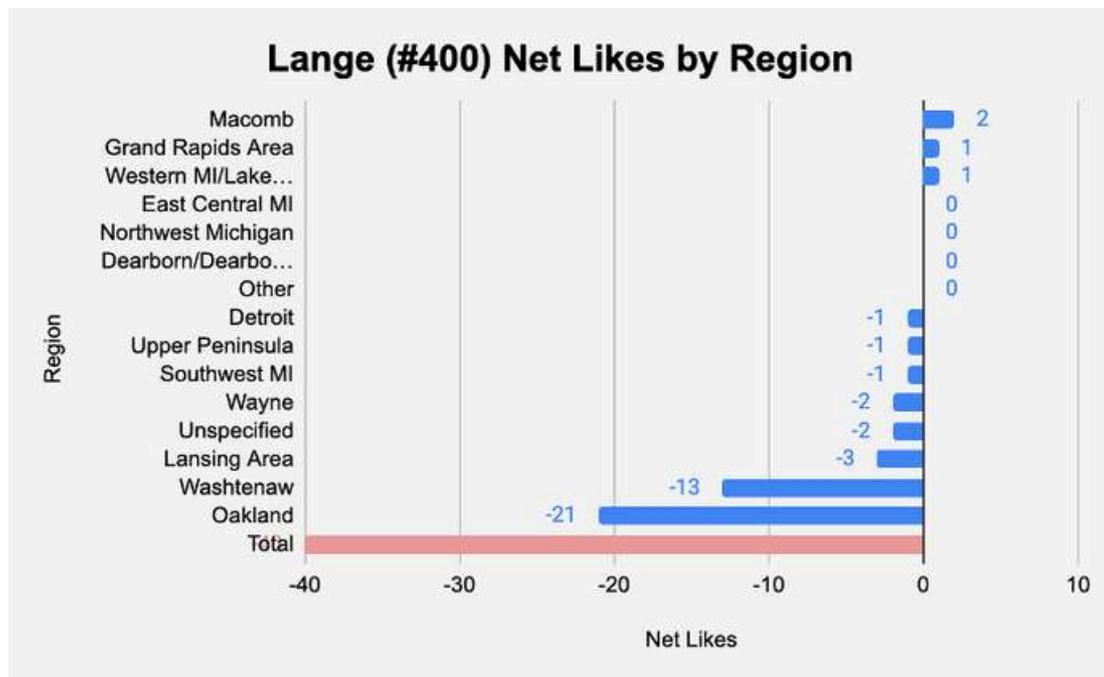
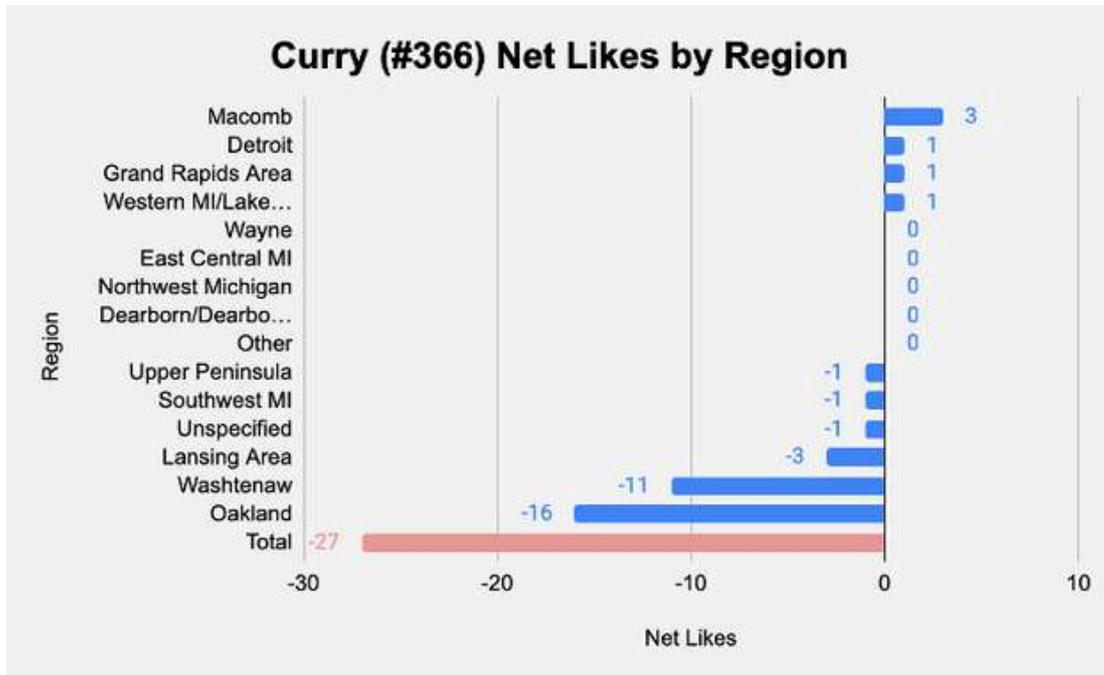


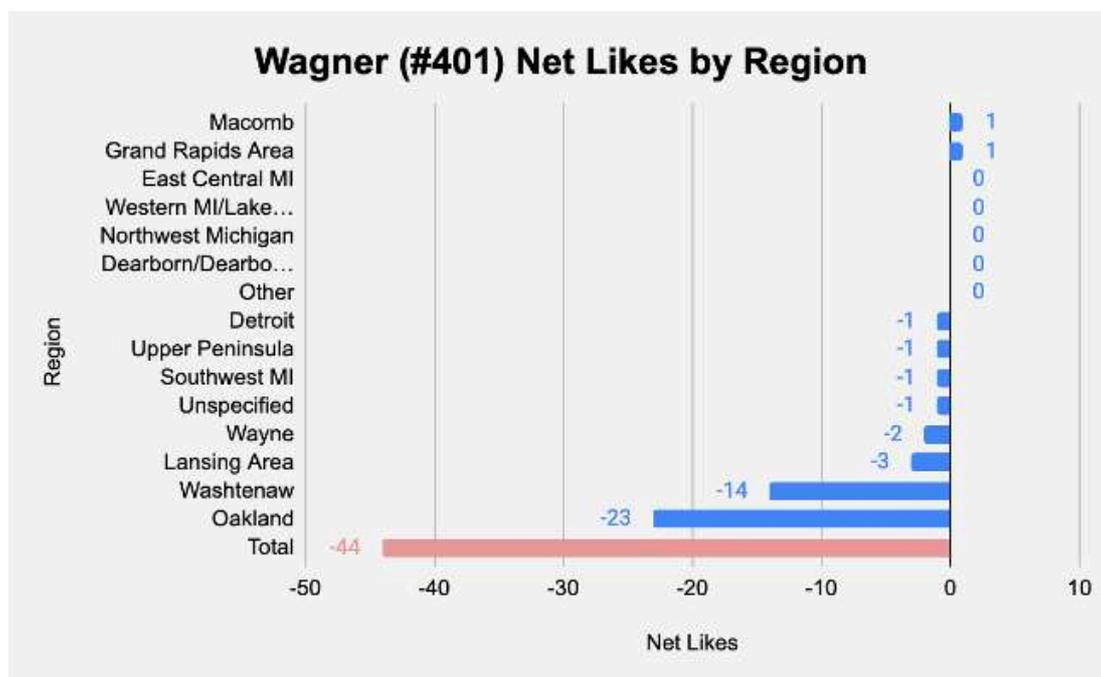
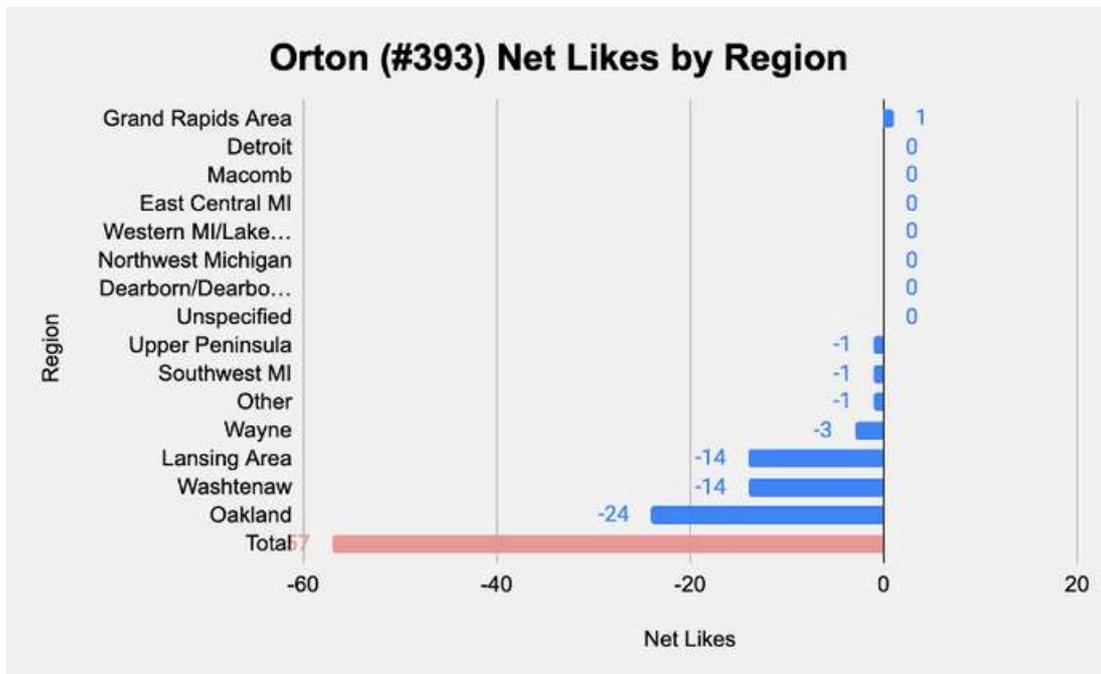


The regional net favorability ratings for the remaining eight maps.









Funding for the project has been provided by the Michigan Independent Citizens Redistricting Commission (MICRC), in addition to CLOSUP's own funds.

The analysis presented here represents the views of the authors. It does not necessarily reflect the views of the University of Michigan or the Michigan Independent Citizens Redistricting Commission (MICRC).

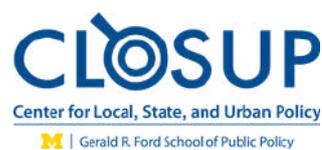
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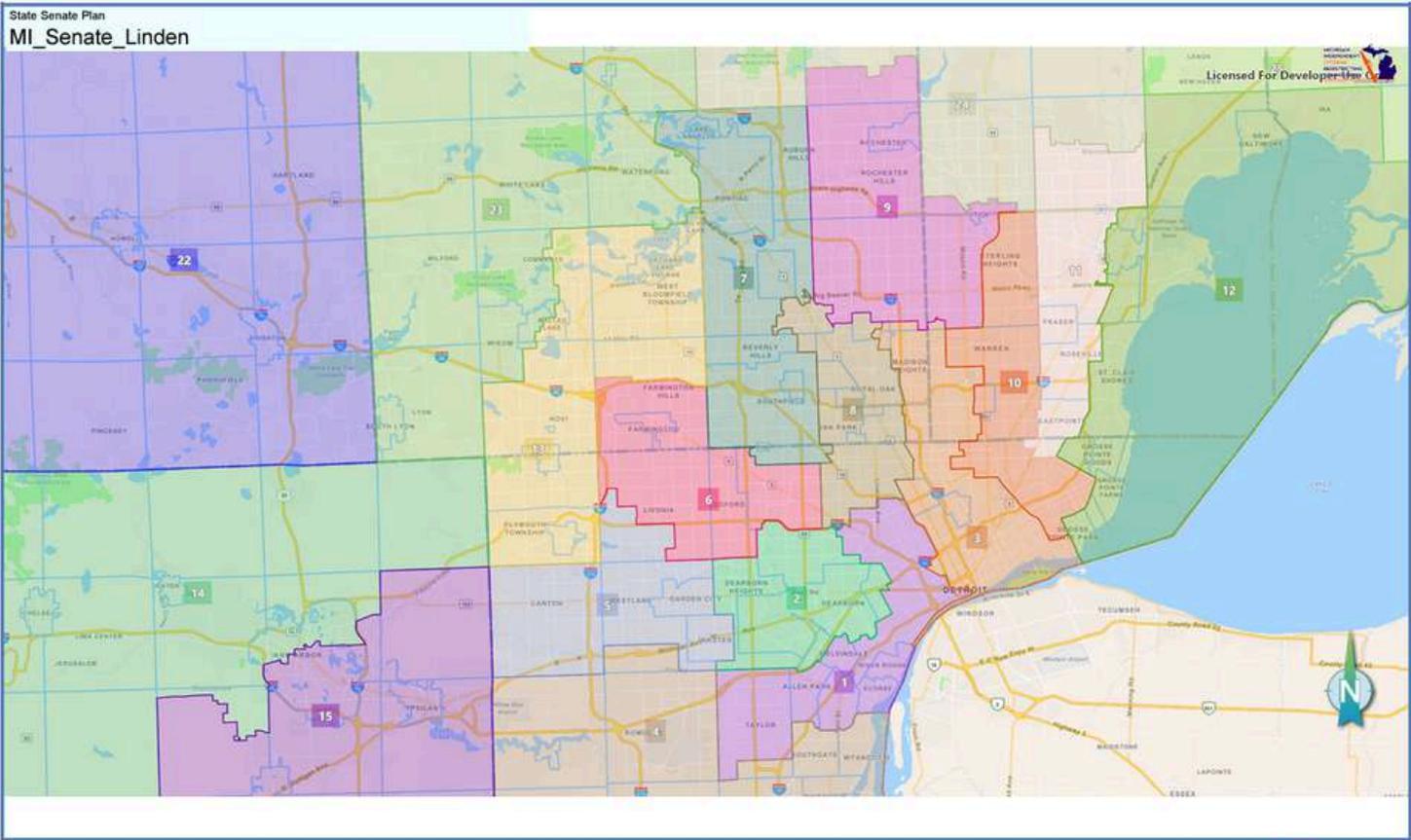


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2022 Michigan Senate Map



Linden - Based on: 2020 Census Geography, 2020 PL94-171
Map Date: 5/30/2024 9:38:26 PM Last Edit: 5/30/2024 9:34:20 PM



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INDEPENDENT
CITIZENS
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We dedicate and acknowledge this Commission Report to our outstanding colleagues who served with distinction.



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2020-2023**



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MC Rothhorn (D)
Commissioner
2020-2023**



**The Honorable
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