

IN THE STATE OF MICHIGAN
IN THE SUPREME COURT

DETROIT CAUCUS; ROMULUS CITY
COUNCIL; DR. CAROL WEAVER, as 14th Supreme Court Case No. 163926
Congressional District Executive Board
Member; WENDELL BYRD, Former State
Representative; DARRYL WOODS, Resident of Wayne County; Jurisdiction: Original Pursuant to Mich.
Const. Art. 4, §6(19).

Plaintiffs,

v.

MICHIGAN INDEPENDENT CITIZENS
REDISTRICTING COMMISSION,

Defendant.

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**PLAINTIFFS' EXHIBIT A TO BRIEF OF
FIRST AMENDED VERIFIED COMPLAINT**

Attached below is Exhibit A to Plaintiffs' First Amended Verified Complaint Brief, a version of which was intended to be included with Plaintiffs' motion for leave to file their first amended verified complaint. When compiling the many pieces of the motion, the below did not

attach/upload. See attached **Exhibit A to Plaintiff's Proposed First Amended Verified Complaint Brief: Affidavit of Elections Expert Ed Sarpolus.**

Although the current version is signed by the affiant, a notarized version will be supplied with the filing of the First Amended Verified Complaint and its brief.

Respectfully submitted;

AYAD LAW, PLLC

/s/Nabih H. Ayad

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Dated: January 11, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on this date I filed the foregoing paper and any attachments with the Clerk of Courts for the Michigan Supreme Court using the MiFile electronic filing system, as well as the following parties at the following addresses:

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Respectfully submitted;

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AFFIDAVIT OF ED SARPOLUS

I, Ed Sarpolus, do depose and state under penalty of perjury, the following:

1. I have personal knowledge of the facts alleged herein.
2. I am competent and able to testify if called to do so.
3. I have worked as a political and redistricting consultant for over 30 years. I am currently working as a redistricting consultant for the City of Chicago, IL, as I did in 2011 on behalf of Chicago Aldermanic Black Caucus(CABC) to ensure the voting rights of the Black Community of Chicago in the 2021 redistricting of the City's 50 wards. This is done while protecting the voting rights of the Hispanic and Asian minority communities. As references, I recommend contacting Alderman Jason Ervin of the 28 Ward in Chicago and Chair of the CABC. Also, consider contacting Edward Mullen, Esq, senior redistricting legal counsel to the Chicago Aldermanic Black Caucus.
4. When drawing up voting districts, it is necessary to review voting statistics from primary elections (as opposed to general elections).
5. Compliance with the Voting Rights Act of 1965 cannot be achieved if such primary elections statistics are not reviewed.
6. Oftentimes, a simple 51% majority of a minority voting age population will not be enough to ensure that said minority has an opportunity to elect their preferred candidates.
7. This is due to a lower voter turnout rate amongst certain populations of minorities owing to factors such as poverty, access, and health.
8. In states like Michigan, a Black majority of a low of 55% to a high of 65% should be sought in any given district to afford the Black community an opportunity to elect their preferred candidate. From my experience and expertise, I am aware that, unless very

- special conditions apply, or proper and exhaustive past election history is completed, a majority voting age population of 55% should be considered the starting minimum recommended. In some cases, where turnout is historically exceptionally low, a 65% minority-majority can be required. These calculations are dependent on a combination of a particular minority group's voter turnout and voting age, primarily in primary elections.
9. The districts of the currently proposed redistricting plans do not even come close to that threshold percentage.
 10. The current proposed redistricting plans, if enacted, will have no majority-Black US Congressional districts, no majority-Black Michigan Senate districts, and only seven majority-Black Michigan House of Representative districts.
 11. That means that, at best, in a contest where the Black-preferred candidate differs from the White-Democrat-preferred candidate, the Black community of Michigan will have a difficult challenge of electing their preferred US congress persons, a difficult challenge of electing their preferred Michigan senators, and would be potentially able to vote in seven of their preferred candidates to the Michigan House of Representatives.
 12. The vast majority of all three of the current plans chosen by the Michigan Independent Redistricting Committee are salvageable, and all of the plans could be brought into compliance with the law with adjustments to the borders of several voting districts in and around high-density Black populations; a task that would take a matter of days.
 13. By my calculation, the following changes will occur from the plans drawn in 2011 to the plans drawn by the Michigan Independent Redistricting Commission in 2021:

Congressional Plans

- 2011 Plans contain 2 (two) majority Black districts
- 2021 Plans contain 0 (zero) majority Black districts

State Senate Plans

- 2011 Plans contain 5 (five) majority Black districts
- 2021 Plans contain 0 (zero) majority Black districts

State House Plans

- 2011 Plans contain 12 (twelve majority) Black districts
- 2021 Plans contain 7 (seven) majority Black districts

14. It is my belief that the US Congressional, Michigan Senate, and Michigan House plans approved by the Michigan Independent Redistricting Commission do not comply with, and will be in violation of, the Voting Rights Act of 1965, § 2.

FURTHER AFFIANT SAYETH NOT

Signature and notarization on the following page.

Dated this 11 day of JANUARY 2022.

Edward V Sarpolus
(Signature of Affiant)

EDWARD V. SARPOLUS
(Printed name of Affiant)

NOTARY

Signed and sworn to before me this _____ day of _____ 20_____.

(Signature of Notary Public)

(Printed name of Notary Public)

_____ County, Michigan

Acting in the County of _____

My commission expires: _____