

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STATE OF MICHIGAN
Secretary of State Ruth Johnson
Michigan Department of State,

Plaintiff

vs.

UNITED STATES and ATTORNEY GENERAL
ERIC H. HOLDER, JR. in his official capacity
United States Department of Justice,

Defendants.

Civil Action No. 1:11-cv-01938
Three-Judge Court (RJL-BMK-CKK)

JOINT MOTION FOR ENTRY OF ORDER

Plaintiff, the State of Michigan, and Defendants, the United States and Attorney General Eric H. Holder, Jr., in his official capacity (collectively, “the Parties”), by their attorneys, respectfully move for entry of the attached Order. As grounds for this motion, the Parties would show the following:

1. Plaintiff, the State of Michigan (the “State”), is a state of the United States of America with two political subdivisions, Clyde Township in Allegan County and Buena Vista Township in Saginaw County (the “Townships”), that are subject to the preclearance requirements of Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c (“Section 5”). See Procedures for the Administration of Section 5 of the Voting Rights Act, 28 C.F.R. Part 51 Appendix. The Townships authorized the State to file this case on their behalf. 28 C.F.R. § 51.23(a).

2. Due to changes in the State's population, the Michigan Legislature passed redistricting plans for the Michigan House and Senate (Public Act 129 of 2011) and for Michigan's Representatives in Congress (Public Act 128 of 2011), which were signed by Governor Snyder in August 2011.

3. This Court has subject matter jurisdiction under 28 U.S.C. § 1331, based on Section 14(b) of the Voting Rights Act, 42 U.S.C. § 1973l(b), which specifically grants this Court jurisdiction over Section 5 actions.

4. The State, pursuant to Section 5 and 28 U.S.C. § 2201, filed its Complaint on November 2, 2011, seeking a declaratory judgment that its 2011 redistricting plans for the Michigan House of Representatives, Michigan Senate, and the Michigan delegation to the United States House of Representatives do not deny or abridge Section 5 of the Voting Rights Act in the two covered Townships.

5. The State attached to its Complaint information required by 28 C.F.R. § 51.27, and certain information pursuant to 28 C.F.R. § 51.28 that would have been required if the State had sought administrative review under Section 5 of the redistricting plans by the Department of Justice. The State provided additional data and information in response to informal requests by the Department of Justice.

6. Upon review of the information provided by the State in the Complaint, review of supplemental information provided by the State, and other information available to the United States, the United States filed a Notice of Consent (Doc. No. 9) on January 12, 2012.

7. The United States, in its Notice of Consent, stated that the State can meet its burden of proof under Section 5 of the Voting Rights Act and can show, with respect to the Townships, that the 2011 redistricting plans "neither ha[ve] the purpose nor will have the effect

of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in [42 U.S.C.] 1973b(f)(2)” 42 U.S.C. 1973c(a).

8. Accordingly, the United States confirmed that it will consent to the declaratory judgment sought by the State that the 2011 redistricting plans contained in Public Act 128 (House Bill 4780) and in Public Act 129 (Senate Bill 498) do not violate Section 5 of the Voting Rights Act.

For the reasons above, the Parties respectfully submit that this Joint Motion should be granted and the attached Order entered.

Respectfully submitted,

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Dated: February 22, 2012

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