

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DONALD AGEE, JR., an individual, *et al.*,

Plaintiffs,

v.

JOCELYN BENSON, in her official capacity as the Secretary of State of Michigan, *et al.*,

Defendants.

Case No. 1:22-cv-00272

**Three-Judge Panel Appointed
Pursuant to 28 U.S.C. § 2284(a)**

**PLAINTIFFS' PROPOSED TIMELINE PURSUANT TO ORDER
REGARDING MEET AND CONFER ORDER**

Plaintiffs (“Plaintiffs”), through their counsel, submit their proposed timeline in accordance with the Order Regarding Meet and Confer dated December 21, 2023 (ECF No. 139), which ordered the parties to submit a timeline that “shall consider the map drawing process, the candidacy filing deadline in April, any supplemental briefing, and an allotment of time for the Court to review the proposed remedial maps” and states as follows:

1) Map Drawing Process:

Consistent with the Proposed Appointment Order attached as Exhibit A to the Plaintiffs’ Supplemental Brief [ECF No. 136, PageID.4861-465], the Plaintiffs would request the map-drawing process convene immediately, in collaboration with and under the tutelage of, a Special Master appointed by the Court, and that the map-drawing process be completed within ten (10) days of entry of such Order. Ideally, if

such an order is entered contemporaneously with the hearing set for Friday, January 5, 2024, then the professional map-drawing process can be completed on or about January 15, 2024.

2) Any Supplemental Briefing:

The Plaintiffs request a seven (7) day objection period following completion of the maps, as set forth in their Proposed Appointment Order. Under the time frame set forth for the map-drawing process, the objection period would commence on January 15, 2024, and objections would be due on January 22, 2024. The Plaintiffs would request a court hearing shortly thereafter to resolve those objections and would respectfully request that the hearing be prescheduled for a date certain for the sake of clarity and planning for all parties involved in these proceedings.

3) An Allotment of Time for the Court to Review Proposed Remedial Maps

If the Plaintiffs' objections are filed with the Court on or about January 22, 2024, then the Court could set a hearing to occur at the end of that week, which would be Friday, January 26, 2024. The Court would then have time to review the proposed remedial maps and any reports and recommendations by the Special Master and issue a ruling on the proposed remedial maps by early February.

4) Candidacy Filing Deadline in April:

Even with the compressed time frame set forth above, it appears the Candidacy Filing Deadline will have to be moved back several weeks. Defendant Benson's prior filings in this case represent that a four-month process is required in order for the Bureau of Elections to update the Qualified Voter File from the time the maps are

completed until the filing deadline of April 23, 2024. Thus, the candidate filing deadline will need to be moved to accommodate the re-drawing process—this is unavoidable at this point, no matter how quickly the parties move.¹

In order to stay as close as possible to the normal election cycle dates, though, Plaintiffs request that the public comment period set forth in the Michigan Constitution be shortened to seven (7) days, with a public comment hearing date prescheduled to occur in Detroit on a date certain. If the Court orders a Special Master to complete the map-drawing within ten (10) days, provides a seven (7) day objection period, and either eliminates or shortens the public comment period, the candidate filing deadline will still have to be moved until early June (because the four-month period would not commence until the Court adopts a set of maps in early February of 2024), and that is assuming there are no delays of any kind in the process outlined above. And as the Commission noted in its remedy brief, early voting begins July 7. ECF No. 135, PageID.4832. If the candidate filing deadline is moved to June,

¹ See Defendant Benson’s Motion to Dismiss, ECF No. 18, PageID204 (“[t]he filing deadline for candidates seeking to access the August 6, 2024, primary election would be April 23, 2022 (the 15th Tuesday before the election). So, if this Court were inclined to order that *new maps be drawn for state house and senate districts, this must occur sufficiently in advance of the April 23, 2024* filing deadline so that candidates can determine in which district they may run, and the Bureau can update the QVF.”) (emphasis added); see also Defendant Benson’s Post-Trial Brief, ECF No. 113, PageID.3816 (“in the third and final phase, the Bureau of Elections in collaboration with the over 1,500 local clerks manually reviews and modifies voting precincts, as necessary... updates to the QVF generally need to be completed in time to accommodate candidates seeking to run in the relevant primary election cycle... Following the phases outlined above, *the Bureau updated the QVF with the new districts in time to meet the April 2022, filing deadline* for candidates seeking to access the ballot for the August 2022 primary election.”) (emphasis added).

that leaves a mere three weeks for to clerks to coordinate mail-in ballots. That is beyond unrealistic. Using this truncated time frame, however, the primary election date of August 6 can stay the same as can the general election date of November 5.

Respectfully submitted,

/s/ John J. Bursch

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