
In the Supreme Court of the United States

LEE CHATFIELD, ET AL., APPLICANTS

v.

LEAGUE OF WOMEN VOTERS OF MICHIGAN, ET AL.

**MICHIGAN SECRETARY OF STATE'S STATEMENT IN RESPONSE TO
INTERVENORS' JURISDICTIONAL STATEMENT**

On April 25, 2019, a three-judge panel in the United States District Court for the Eastern District of Michigan, convened pursuant to 28 U.S.C. § 2284, issued a unanimous opinion concluding that Michigan's 2011 district maps for the State House, State Senate, and federal Congressional districts were the result of an unconstitutional partisan gerrymander in violation of the First and Fourteenth Amendments to the United States Constitution. The Legislative and Congressional Intervenors (comprised of the Michigan State Senate, Michigan Republican Congressional Delegation, and several individual State legislators) filed notices of appeal of that decision on April 30, 2019.

This Court thereafter issued its opinion in two consolidated partisan gerrymandering cases, *Rucho v. Common Cause* and *Lamone v. Benisek*, 558 U.S. ____ (2019), on June 27, 2019, holding that “partisan gerrymandering claims present political questions beyond the reach of the federal courts.” (Slip op. at 30.) The Court accordingly vacated the lower court judgments and remanded the cases “with instructions to dismiss for lack of jurisdiction.” (*Id.* at 34.)


In their jurisdictional statement, Intervenor seek the same relief granted in *Rucho*—namely, that this Court “vacate the judgment and remand the case to the District Court with instructions to dismiss for lack of jurisdiction.” (Juris. State. at 8.) Because the claims in this case—like those in *Rucho* and *Lamone*—are partisan gerrymandering claims, which this Court has now held to be nonjusticiable by the federal courts, the Michigan Secretary of State agrees that the proper course is to vacate the lower court’s judgment and remand the case with instructions to dismiss for lack of jurisdiction. See *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 94 (1998) (noting that “ ‘when [jurisdiction] ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause’ ”). Cf. Jurisdictional Statement & Motion to Dismiss, *Householder v. Ohio A. Philip Randolph Institute*, No. 19-70 (requesting same disposition in partisan gerrymandering case after *Rucho*).

CONCLUSION

In light of this Court’s holding in *Rucho v. Common Cause*, the Secretary does not oppose the relief sought by the Intervenor in their jurisdictional statement.

Respectfully submitted,

Dana Nessel
Michigan Attorney General


Fadwa A. Hammoud
Michigan Solicitor General
Counsel of Record
P.O. Box 30212, Lansing, MI 48909
(517) 335-7628
HammoudF1@michigan.gov

Scott R. Eldridge
Erika L. Giroux
Michael J. Hodge
Special Assistant Attorneys General
MILLER, CANFIELD, PADDOCK
AND STONE, P.L.C.
One Michigan Avenue, Suite 900
Lansing, Michigan 48933
(517) 487-2070

B. Eric Restuccia
Deputy Solicitor General
Department of Attorney General
P.O. Box 30212
Lansing, Michigan 48909
restucciae@Michigan.gov
(517) 335-7628

Counsel for Respondent
Michigan Secretary of State

Dated: SEPTEMBER 19, 2019