

Court of Appeals, State of Michigan

ORDER

In re Apportionment - Kent County - 2011

Docket No. 304697

LC No.

Joel P. Hoekstra
Presiding Judge

David H. Sawyer

Douglas B. Shapiro
Judges

Pursuant to MCR 7.206(D)(3), the Court orders that the petition to review apportionment is DISMISSED for lack of merit in the grounds presented.

The adopted apportionment plan meets the requirements of the laws of this state. MCL 46.404; MCL 46.406. The population divergence under the plan is less than the 11.9% allowed by *Apportionment of Wayne Co Bd of Comm'rs - 1982*, 413 Mich 224, 263; 321 NW2d 615 (1982). Given the population distribution and the geography of the county, the districts are reasonably square and compact. MCL 46.406(c). Considering the population and the divergence standard, the divisions and combinations of the townships, villages, and cities are reasonable. MCL 46.406(d) and (e). The adopted plan is a reasonable choice in the exercise of judgment, which will be sustained by the Court. *Id.*, at 264.

Petitioners' assertion that the plan was drawn to effect partisan political advantage contrary to MCL 46.406(h), is not supported by the record. Petitioners did not meet their burden of presenting actual evidence that partisanship was a prominent consideration in the adoption of the plan, or that the adopted plan unfairly alters the existing allocation of political power vis-à-vis voting strength. *In re Apportionment of Clinton Co - 1991 (After Remand)*, 193 Mich App 231; 483 NW2d 448 (1992). Petitioners' argument that an alternate plan was superior is insufficient by itself to establish that the adopted plan was drawn for partisan purposes.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

AUG - 9 2011

Date

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.
Chief Clerk