EXHIBIT A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL BANERIAN, *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-00054-RMK-JTN-PLM

SUPPLEMENTAL DECLARATION OF THOMAS M. BRYAN

IN SUPPORT

OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

THOMAS M. BRYAN declares as follows:

1. I am over 18 years of age and competent to make this declaration.
2. I have previously submitted an expert report in this matter.
3. I have reviewed the Declarations of Mr. Anthony Eid, Dr. Paul Gronke and Mr. Kim Brace in this matter.
4. I contest the assertion of the Declaration of Dr. Paul Gronke that my report "leads Bryan to inaccurate conclusions about the Commission plan". The scope of work that I was provided at the time of my initial report was to review and report on population deviations, geographic splits and compactness of the districts in the Michigan enacted and plaintiffs' remedial congressional plans. That scope of work did *not* include an assessment of communities of interest, and I state as much in the report. That omission did not reflect a lack of knowledge or a disregard for the priorities of the Michigan constitution. My findings are accurate for the scope of work I was provided and the time I was provided to do the analysis in.
5. With regard to the concerns expressed in the Intervenor-Defendants' Response to Plaintiffs' Motion for Preliminary Injunction about my credibility as an expert witness, citing "A three-judge panel in the Northern District of Alabama recently "question[ed] [Mr. Bryan's] credibility as an expert witness". I note that this matter has been stayed by the U.S. Supreme Court *See Merrill v. Milligan, No.21A375 Slip Op. (U.S. Feb 7,2022).* My professional credibility is intact. I have had a lengthy professional career in demography and expert witness cases, and was recently recommended by Senior Democratic attorney Michael Kasper, who wrote to the Clerk of the Virginia Supreme Court:

   > "I am a Chicago lawyer who has practiced in the area of voting rights and elections for several decades. I have represented Illinois's Democratic legislative leaders in redistricting cases in both State and federal courts in 2001, 2011 and, in litigation that is currently pending, 2021. In my current representation of the Legislative Leaders, I retained Mr. Bryan as an expert witness to render his professional opinion regarding certain aspects of the census and redistricting process. Mr. Bryan was thorough, thoughtful, prompt and extremely professional throughout the course of our engagement."

6. Based on the Declaration of Mr. Eid, I noted a combination of objective, factual statements about the goals of drawing each district, which I do not dispute. However, many of these goals

are supported by vague, subjective, conflicting and/or inaccurate supporting evidence. Due to time constraints, I provide two examples.

7. Based on the Declaration of Dr. Gronke, I use the same information platform used in his report (https://onthemap.ces.census.gov) [1]to provide evidence as to why the defense and explanations provided by Mr. Eid do not hold for all districts. I have not found evidence that the valuable information in https://onthemap.ces.census.gov was used, let alone was decisive in determining the final Michigan congressional maps. So, I supplement this resource with observations from the "COI Clusters for Michigan" report from the MGGG Redistricting Lab and OPEN-Maps Coalition (MGGG hereafter).[2]

8. I focus my attention on two illustrative geographic examples. First, the Kent County / Grand Rapids and Barry County area in Southwest Michigan, approximately enacted District 3. Second, I focus my attention on the entire southern border of Michigan, approximately enacted District 5

9. The current configuration of District 3 includes Barry, Calhoun, Ionia and most of Kent Counties, except the towns of Walker, Grandville, Wyoming and Kentwood. The enacted plan significantly changes this configuration. Mr. Eid writes in his report, "The goals in drawing Congressional District 3 were to preserve the communities of interest in Grand Rapids, Muskegon, Grand Haven, and Rockford. Residents of these communities indicated, through public comment, that they wanted to remain together."

10. Muskegon and Grand Rapids are located approximately 42 miles apart. I turn my attention to the https://onthemap.ces.census.gov information resource used by Dr. Gronke to look for economic evidence defending the enacted plan in general and supporting the unification of Kent County / Grand Rapids and Muskegon specifically.

[1] Dr. Gronke states in his Declaration "For each county, I provide a flow analysis and a radial analysis. The flow analysis examines a) number of individuals who live outside of a county and are employed in a county (inflow), b) the number of individuals who live in a county and are employed in the same county (stable), and c) the number of individuals who are employed in a county and are employed outside the county (outflow). The radial analysis reports where and how far residents travel to their place of employment, broken down into four categories: less than 10 miles, 10 to 24 miles, 25 to 50 miles, and more than 50 miles. I use these maps to reach conclusions about whether the geographic border of the county contains a single community of interest, or whether there is evidence of a COI that crosses county boundaries."

[2] https://mggg.org/

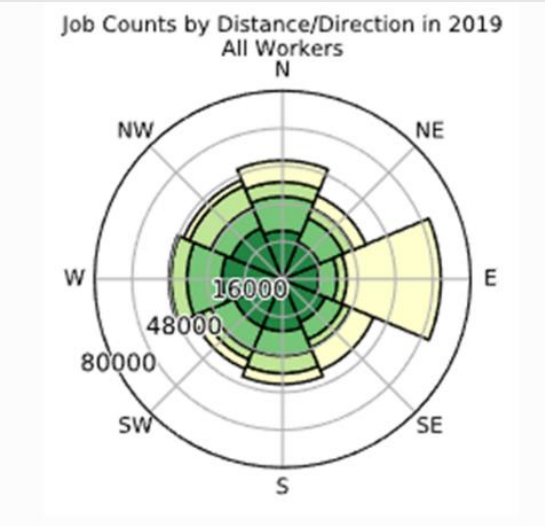
11. As shown in Figure 1, an analysis of job counts by places for Kent County does not list any interaction with Muskegon. As shown in Figure 2, the general location and prevailing direction of jobs in Kent County are right in Kent County, to areas east of Kent County, not west.

Figure 1: Kent Co.
Jobs by Where Live

Jobs Counts by Places (Cities, CDPs, etc.) Where Workers Live - Private Primary Jobs

	2019 Count	2019 Share
All Places (Cities, CDPs, etc.)	377,605	100.0%
Grand Rapids city, MI	61,205	16.2%
Wyoming city, MI	24,205	6.4%
Kentwood city, MI	17,924	4.7%
Forest Hills CDP, MI	8,208	2.2%
Walker city, MI	7,884	2.1%
Cutlerville CDP, MI	5,380	1.4%
Northview CDP, MI	5,106	1.4%
Grandville city, MI	4,740	1.3%
Jenison CDP, MI	4,124	1.1%
Comstock Park CDP, MI	3,647	1.0%
All Other Locations	235,182	62.3%

Figure 2: Kent Co.
Jobs by Direction



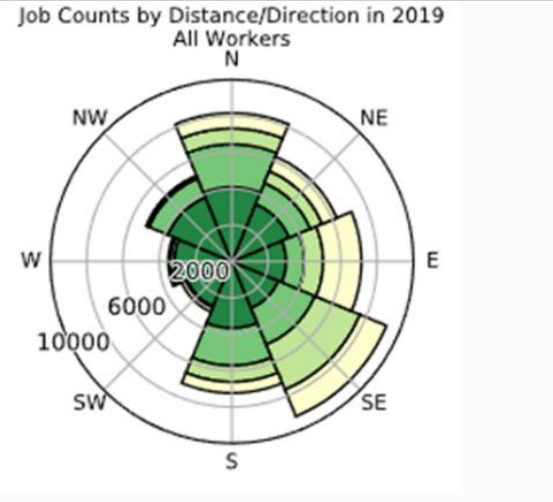
12. Shown in Figure 3, an analysis of job counts by places for Muskegon County shows a 1.6% job interaction with Grand Rapids. As shown in Figure 4, the general location of jobs in Muskegon County are right in Muskegon County, and areas north, east and southeast.

Figure 3: Muskegon Co.
Jobs by Where Live

Jobs Counts by Places (Cities, CDPs, etc.) Where Workers Live - Private Primary Jobs

	2019 Count	2019 Share
All Places (Cities, CDPs, etc.)	49,597	100.0%
Muskegon city, MI	5,644	11.4%
Norton Shores city, MI	4,349	8.8%
Muskegon Heights city, MI	1,365	2.8%
Wolf Lake CDP, MI	892	1.8%
Roosevelt Park city, MI	888	1.8%
North Muskegon city, MI	818	1.6%
Grand Rapids city, MI	781	1.6%
Grand Haven city, MI	631	1.3%
Whitehall city, MI	535	1.1%
Montague city, MI	508	1.0%
All Other Locations	33,186	66.9%

Figure 4: Muskegon Co.
Jobs by Direction



13. It should also be noted that Muskegon and Grand Rapids have not been joined in the same congressional districts since the 1890s (https://cdmaps.polisci.ucla.edu/).

14. I turn my attention here to enacted District 5. Enacted District 5 covers all of the counties along the Southern border of Michigan. As with my examination of enacted District 3, I reviewed the MGGG document on COI clusters in Southern Michigan. I found Cluster 9 in western Wayne County, Cluster 23, in the Monroe area, Cluster 23 "Downriver", and Cluster 34 "Hillsdale Area" as different COI representations of the Southeast corner of Michigan. None of these clusters make any mention of connections to the south*western* part of Michigan.

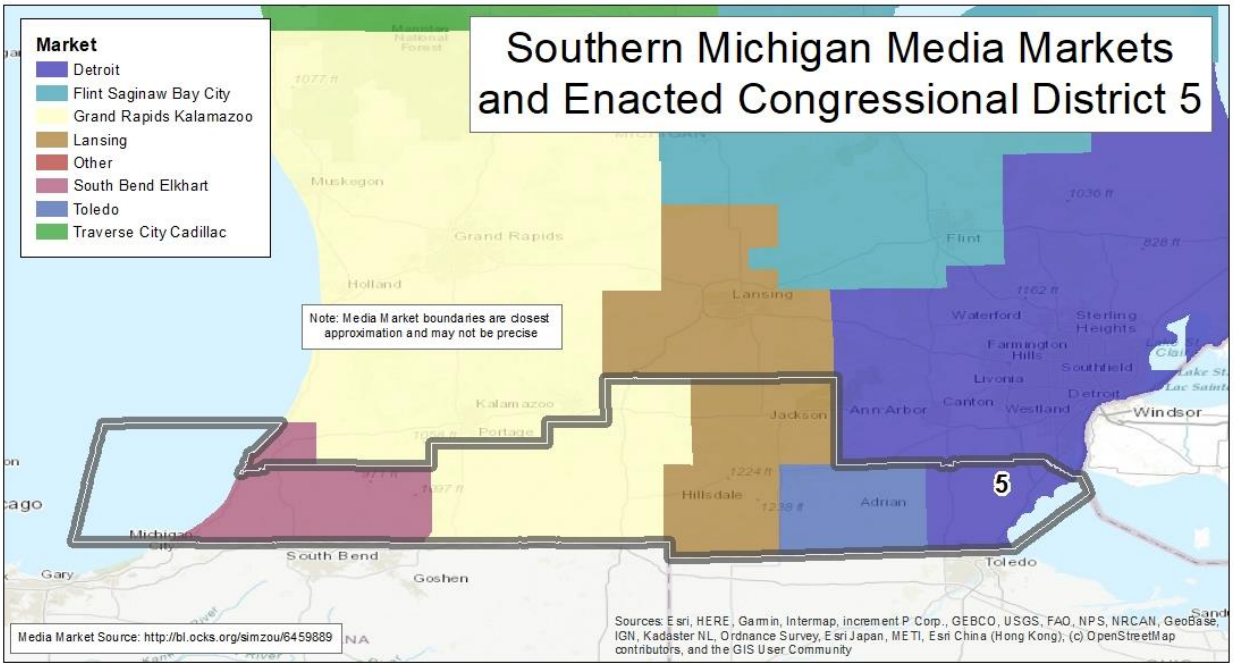
15. One cluster, Cluster 11 represents the south*eastern* corner of the state. That cluster's description has no mention of connections to the central or south*eastern* part of the state.

16. Only one MGGG cluster, Cluster 32 "Southern Border Counties" covers all of the southern counties. It is described as "Rural identity. Shared concerns about interstate commerce across with Ohio and Indiana. Agricultural industries, shared health care services, and recreation opportunities. Edges into the Allegan/Van Buren County area, identified as rural lakeshore communities." The inference in the design of enacted District 5 is that this MGG COI Cluster alone should prevail over the other overwhelming clusters, particularly in Southeastern Michigan. Dr. Gronke notes in his report at Para. 11 that, "Districts shall reflect the state's diverse population and communities of interest. Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests. It is on this last criteria that I focus. Mr. Eid's characterization of enacted District 5 is that its residents are somehow unified by "working, shopping, and praying across the across the border or dealing with interstate transportation". However, in examining Mr. Eid's comments and https://onthemap.ces.census.gov results for the southern border counties of Michigan, there is no evidence of strong *intra*state economic connections between counties across the 300 miles the district spans that warrant their unification.

17. One other issue arises with the characterization of the unity of these Southern Michigan counties. Mr. Eid states "Additionally, we heard public comment about the community feeling connected by a shared television market." Whether this is a perception or not, or how strong that perception is – it is incorrect. As shown in Figure 5, a review of media markets in Southern Michigan indicates that there are at least five media markets along the Southern Michigan border.[3]

[3] Nielsen Media is a paid-for, subscription service and is widely recognized as the authoritative source of defining markets such as these. The markets depicted here were generated from numerous corroborating online resources and verified against the latest information published on Media Markets by ESRI, the GIS software widely used for redistricting.

Figure 5: Southeastern Michigan Media Markets and Enacted Congressional District 5



18. These examples provide a small sample of evidence of how the districts in the enacted plan do not conform to the rigorous, well thought out COI clusters presented by the reputable MGGG team at Tufts. Further, using the reputable, widely used online economics tool presented by Dr. Gronke (https://onthemap.ces.census.gov) shows that there is evidence that there are situations where the enacted districts contain areas are *not* connected economically.

19. I have one further observation based on the expert report of Mr. Kim Brace. In Para 14, Mr. Brace writes:

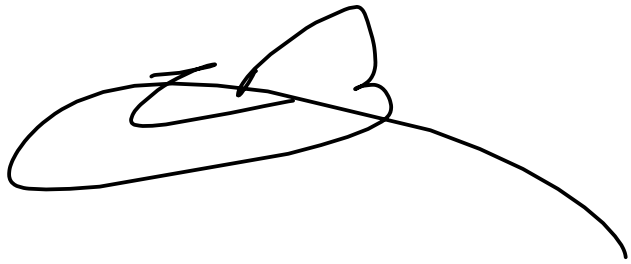
> "This exhibit shows all the townships that are split in the Plaintiffs' plan for Congress and the amount of population in each piece of a split township. The extremeness of the Plaintiffs' attempt to create districts that all have the same population can be seen in how they split Southfield township in Oakland County. <u>Plaintiffs' map pulled just 13 people out of the town's 91,504 population to place them in district 11, clearly exposing any voter's vote in an election and violating the secrecy of the ballot</u>."

20. On the assertion that there are 13 people that are pulled out, Mr. Brace is accurate and correct. Block 26125159005 has 13 people in the 2020 Census. That block was drawn by plaintiffs to be wholly included in VTD 26125125039, and to enable the minimum deviation the plan sought to achieve. It is our expectation that the registrar will manage voting precinct and VTD geography in such a way as to protect voter confidentiality.

21. The issue of small slivers of population being removed or separated is not a new one in congressional redistricting, and not one the enacted plan is immune from. In examining the enacted plan, there are very small populations that are split by district boundaries as well. For example, in the enacted plan: VTD 0816908900002 is cut by D2 and D3 leaving 4 people out. These are not fatal flaws – these are occasional occurrences in many redistricting plans.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 23, 2022



Thomas M. Bryan

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