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MICRC

06/28/21 9:00 am Committee Meeting

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>> COMMISSIONER WITJES: Good morning. As Chair of the redistricting process committee, I call this meeting of the Michigan Independent Citizens Redistricting Commission to order at 9:00 a.m.

This meeting is being live streamed on YouTube.

For anyone in the public watching who would prefer to watch via a different platform than they are currently using, please do visit our social media at Redistricting MI to find the link for viewing on YouTube.

Our live stream today includes closed captioning. we have ASL interpretation, e-mail us at Redistricting@Michigan.Gov for additional viewing options or details on accessing language translation services for this meeting.

For details how to access language translation services for this meeting.

Translation services are available for both Spanish and Arabic.

Please e-mail us and we will provide you with a unique link and call-in information.

This meeting is being recorded and will be available at www.Michigan.gov/MICRC for Viewing at a later date.

This meeting is also being transcribed, and those transcriptions will be made available along with the written public comment submissions.

Members of the media who may have questions before, during or after the meeting should direct those questions to Edward Woods III, who is our Communications and Outreach Director for the Commission at WoodsE3@Michigan.gov. Or 517-331-6309.

For the purpose of the public watching and the public record, I will turn to Michigan Department State Staff to take note of the Commissioners present.

>> MS. SARAH REINHARDT: Hello, Commissioners.

Translation services are available in Bengali. And I will proceed with calling the roll. If you are attending the meeting remotely, please announce during roll call that you are attending the meeting remotely. And unless your absence is due to military duty, please announce your physical location by stating the county, city, township or village and the state from which you are attending the meeting remotely.

I'll start with Doug Clark.

>> COMMISSIONER CLARK: Present.

>> MS. SARAH REINHARDT: Commissioner Clark, can you add where you are attending the meeting remotely from?

>> COMMISSIONER CLARK: Yes, I am attending the meeting remotely from Rochester Hills, Michigan.

>> MS. SARAH REINHARDT: Thank you.

Anthony Eid?

>> COMMISSIONER EID: Present; remotely attending from Detroit, Michigan.

>> MS. SARAH REINHARDT: Thank you Commission Eid. Rhonda Lange?

>> COMMISSIONER LANGE: Present; attending from Reed City, Michigan.

>> MS. SARAH REINHARDT: Thank you, Commissioner Lange. Dustin Witjes?

>> COMMISSIONER WITJES: I'm present, attending remotely from Howell, Michigan.

>> MS. SARAH REINHARDT: All Commissioners are present.

>> COMMISSIONER WITJES: Motion to approve the meeting agenda. And also the meeting agenda is posted at redistrictingmi.org for the public watching.

>> COMMISSIONER EID: Yes, I will move to approve the agenda.

>> COMMISSIONER CLARK: I will second it.

>> COMMISSIONER WITJES: Motion to approve the meeting agenda has been moved and seconded. Is there any discussion on the motion? Seeing none, all in favor of adopting the meeting agenda please raise your right hand and say aye.

>> Aye.

>> COMMISSIONER WITJES: All opposed raise your hand and say nay.

Motion carries.

And the agenda is adopted.

Okay. We will now move on for two public comments. A few notes about public comment for those of you who are joining us for the first time.

Because this is a virtual meeting, members of the public have to sign up in advance to address the Commission.

Staff at the Department of State will unmute each member of the public for up to two minutes on a first come first, serve basis.

This means members of the public will be called on order of signing up to address the Commission.

To those members of the public participating in public comment, please note that you will have no more than two minutes to address the Commission this morning. And you can e-mail redistricting@Michigan.gov. Your written comment and public comment will be included in the online meeting archive for the Commission. Public comment sign up links are posted at redistricting Michigan and on our social media pages on Facebook and Twitter at redistricting Michigan.

I'd like to recognize Sarah Reinhardt from the Michigan Department of State who will call on the public to address the Commission.

>> MS. SARAH REINHARDT: Thank you, Mr. Chair. Our first public comment participant is a Mr. James Gallant. Please give me one minute to unmute you.

>> Can you hear me, Mr. Chair.

>> COMMISSIONER WITJES: I sure can. Go ahead.

>> Thank you very much. My name is James Gallant. I'm with the Marquette County Suicide Prevention Coalition. And I signed up for two public comments at today's meeting.

And in my personal opinion I believe that the process that we are witnessing here is going to be considered institutionalized bullying. I'm coining that phrase.

It appears that Commissioner Witjes is bullying the committee members by overstepping his authority when he repeatedly assigned and will continue to assign the floor for deliberation and debate without the required motion and second establishing an immediately pending question for Mr. Brace and the others to consider under the current Robert's Rules of Order, which have been approved in the rules of procedure.

Remember the approved quorum at this meeting requires that all comments be germane to the immediately pending question.

So it appears that Mr. Brace and the others have not heeded his own advice.

It appears that you all have painted yourself into the corner when it comes to these rules.

It's like you don't acknowledge the rules and now you are off into some corner and now you got to come back and actually approve the maps according to the rules.

We are talking about fairness, right, fairness and equity. This racial equity and all this equity, it only starts when you follow the rules.

I believe it was Mr. Richard Hill that was the one accused of not following the rules back in 2011, and now you folks want a different group of people, still not following the rules.

If you could give me the minutes and the rules of procedure for that 2011 group, we could show very clearly in the minutes if they followed the rules, or not.

And please anybody here that is supposedly representing a political party, please acknowledge your level of affiliation, whether you're a voting member, or not, because to be affiliated with a member organization in this context, you pretty much got to be a member, a voting member, and you actually signed up to be a member. And that is not really clear. So that would disqualify some members here if you are not actually a member of the democrat party or the republican party because that is an organization in the context of this Constitution.

And please ask and, you know, the guy that talked on Friday about he was there in Arizona in 2001, they breached the Constitution there, too.

They elected a temporary Chair just like you did here and all of a sudden, every next chair...

>> MS. SARAH REINHARDT: Mr. Gallant, your time has expired. Please conclude your sentence.

>> I'm finishing my sentence, please. Mr. Chair, can I finish my sentence?

>> COMMISSIONER WITJES: Please finish your sentence.

>> Okay, that's what I'm saying. Is that it appears that this Commission, the initial breach of this Commission was one of the Secretary of State did not elect a Chair at the first meeting. He elected a temporary Chair, just like you did here. And all of a sudden, every next Chair appears to believe that they can just makeup their own rules as if you can provide your own rules as the next Chair and you cannot.

>> COMMISSIONER WITJES: That would have been the end of your sentence, Mr. Gallant.

Thank you.

>> MS. SARAH REINHARDT: That concludes our public comment.

>> COMMISSIONER WITJES: All right. Thank you.

Without objection at this point we can move on to new business.

Seeing none, we will move on to new business, which 5A, questions and factfinding with Election Data Services, and our voting VRA legal counsel Bruce Adelson and our APV analyst.

>> COMMISSIONER EID: Did you say we had two public comments?

>> COMMISSIONER WITJES: He did mention he signed up twice, but I believe you mentioned he did once is that still correct? Okay, all right.

Okay, so I believe, Mr. Brace, you had a quick, five-minute little presentation to do real quick, then we will move on to our questions.

>> KIM BRACE: Yes, Mr. Chairman. Let me share my screen.

I put together some data for you to consider and be cognizant of.

Can you see my screen right now? All right, good.

Let me do the full one.

Okay, I'm going to talk just a couple of minutes about some redistricting data, the racial data that we have.

On Friday or last Thursday, I talked a little bit about the or a bunch about the racial composition of the population in Michigan.

But I mistakenly showed only the change in the racial category data with the maps that I was showing last Thursday.

Instead what we have, we have got we want to look at where the concentrations are. And so we have looked at and created a new set of maps that includes data down to the Township level for the state.

We in the course of normal business, we've created a majority map that shows in solid colors the various racial groups that are more than 50% of the population and real solid more than 75% of the population.

And then in a cross hatch where there is plurality, this is down at the Township level for the state and down to the census tract level for the Metro insert.

So that we can see the African/American populations in red.

There are some Hispanic concentrations in lower Detroit area.

But when you look across the state, it's mostly white population.

But we can look at where there are concentrations that by different percentages. This is the non-Hispanic, white category.

If you remember our discussions last week, we are showing non-Hispanic race information, so to show an upwards of 100%.

And you can see where certainly 90- 100% there is a lot of territory up in the upper part of the state for white.

For the African American population, again, non-Hispanic African/American, the highest census tract in the state is 91.4%.

You can see that in the upper right, in the legend but we can see where there are concentrations.

Certainly down in the Detroit area for the African/American.

But in a number of other areas that you can see that down at the Township level.

We look at then the Hispanic population also covered by the Voting Rights Act and we can see concentrations southern part of Detroit, Wayne County, but also out to the western side of the state there is a good bit of Hispanic concentrations out there. So something to keep in mind as we look at the Voting Rights Act.

The Asian population, that is also covered by the Voting Rights Act. There are concentrations outside of the City of Detroit with the extension of Hamtramck in the middle that is one of the higher concentrations of the Asian population. So we can see where they are located.

And finally with the Native American population it's mostly up in the UP. It looks like from the census data.

This is, again, the ACS data, the five-year data from 2019.

But we also can look at more than just Voting Rights Act data and we can have access to in the American community survey we have access to ancestry information.

So here is the question that was asked of me last week.

Where is the Arab ancestry? And where is that concentrated? Certainly, you can see down in the Metro area where some of that concentration is.

But that's mainly where the Arab concentration is.

Of course the Dutch out in Holland logically I guess out in the west coast, where the Dutch population is concentrated.

Again, only the highest number is 38% by census tract in the state.

But it does give some idea of where that is located.

German population, that's another high concentration. It's 5.3% statewide.

But the highest concentration is 42%.

Mainly up in the thumb area.

On that side.

And the other large concentration is Irish ancestry.

But they are scattered.

It's only 2.2%.

And the highest concentration is 14%.

Up here on the island I think as I recall.

So and then the final ancestry is the polish community, where are they located? So we can see some information on that side.

These, again, are not required by the Voting Rights Act, but we have additional information on ancestry that can help guide us as we look toward some of these areas.

So, with that, that is kind of a look at some of the data and I'll turn it back over to the chairman and our discussion on VRA.

Unless there is any questions of course.

>> COMMISSIONER WITJES: Any questions for Mr. Brace from anyone?

>> COMMISSIONER EID: Not at the time Mr. Brace but that is very informative.

Can you send out these updated maps to us when you get a chance?

>> KIM BRACE: I will send them to Sue and put them up on your web and send them out to each of the Commissioners.

>> COMMISSIONER WITJES: Okay, all right, so we will go ahead and move on to our Voting Rights Act questions that we have at this particular point in time.

Now I think we have four specific ones.

In the interest of just time, does any one in particular of us three or four want to ask those particular questions to Bruce? Don't be shy.

>> COMMISSIONER EID: I can ask them we are talking about the ones on the agenda, correct?

>> COMMISSIONER WITJES: No, it's in a word document.

>> COMMISSIONER EID: I got it I got it.

>> COMMISSIONER WITJES: At the very bottom there are four that are specifically based on VRA questions, so once you have that up go ahead with number one and then we will have a discussion on every single one after that if any questions exists based on the answer, then we will move on to the second question so on and so forth like we have done in the past and it will allow us to write things down.

Commissioner Eid when you are ready, please go ahead.

>> COMMISSIONER EID: All right, Mr. Adelson, how are you doing today?

>> MR. BRUCE ADELSON: I'm good how are you.

>> COMMISSIONER EID: We have a few questions specifically regarding VRA.

I guess the first one is a little bit more of a general question.

We have spoken a lot about documentation of like the decision making process.

So that is you know when we are done with our work there is a clear understanding of why we made the decisions that we made.

So I'm just wondering if you can provide some suggestions on how to actually go through that documentation.

>> MR. BRUCE ADELSON: Sure, we can start with that and then part of my answer I think is also going to dovetail the answer to number two.

I think that the biggest most important time for documenting your decision making process is as you're about to approve your official draft map.

You go out for public comment and then if there are any changes that are made to your draft map before the final map, that was something that we focused on in Arizona.

We did make changes to the draft map after the additional public comment period and also after the lawyers looked at things more, crunched some more numbers did some more analysis and suggested some specific changes so all of that was well documented.

The commission really started right from the first documenting as you may recall from some of the documents that I submitted when I submitted my bid.

We documented everything.

And particular you will be whether you start from scratch or whether you tinker with your existing districts you will be creating districts, modifying districts, that are made up of constituent parts of other districts.

And when I did my recent redistricting presentation for you, we talked a lot about how some districts are more than the numbers may appear.

Well, that the understanding, how they the voting rights there and level of compliance with the act and state law and the Constitution depends on additional analysis.

So explaining why you are engaging districts by using parts of other districts.

I think it's not as if that you must document every conversation that you have or every meeting that you have in great detail.

It's more to the point of why did you make this change? What was your strategy in doing that? I'm sorry that I'm seeing that my audio is unstable.

If you don't or if things stabilize a bit because we have had rocky on part of it.

So this is something we will be talking more about and the understanding that why you make certain, specific changes, why do you use parts of districts three and four? The new District two? Why did you do that? What analysis do you have that supports that? So in essence at least from my standpoint today, at the very beginning, that would be one of the things that I would be focusing on.

>> COMMISSIONER EID: How did y'all format like the record of that decision making process? Was it like a word document? Was it a PDF? Or was it actually in the redistricting software that you guys used in the past?

>> MR. BRUCE ADELSON: In a way it's all of that.

We had word documents, PDF, spreadsheets and one of things we did very early on in working with the mapping consultant is discuss exactly what information the Commission wanted to see on the screen as the Commission was doing the mapping. I think I alluded to this a couple weeks ago.

The racial population of each District, the partisan voter registration, CVAP, voting age population overall.

Some pertinent results where you see the extent of that.

So all of that displayed in real time when the Commission met so the Commission can look at if we do this and put this down here, if we keep the City in this District, what does that mean to the Voting Rights Act? What does that mean for constitutional compliance? So we had multiple formats and also real time information on this.

And spend time talking to the mapping consultant.

One of the things I was thinking before this meeting I recall I met with the mapping consultant at the direction of the Commissioner the Chairwoman at the mapping consultant's office in D.C. to go through what information do you have? What information is being provided? Provided in a way with all and go out to Arizona for example.

And everything the Commission wanted, everything the Chair requested.

So they were ready to go in real time and that was immensely helpful.

>> COMMISSIONER EID: Bruce, you kind of broke up a second and the last thing I heard was, that is okay, but the last thing I heard was DC.

>> MR. BRUCE ADELSON: I met with the mapping consultant ten years ago at an office in D.C. so the Commission and the Chair requested that I go to the mapping consultant's office to see how they were Commission requested.

And based on the option of voter registration by party will be looking at.

As the Commission made decisions about what to include and what we do not include.

Okay, so I see something from Sarah I recommend we dial you in for audio.

So you can call my cell phone 301-873-4332.

I'm sorry we are having some weather issues here, that must be affecting the connectivity.

>> COMMISSIONER WITJES: Commissioner Clark?

>> COMMISSIONER CLARK: Yes, Bruce, I understand the need for the documentation.

Now, there is documentation that we are going to need as a Commission among the discussions, among us, 13 of us, but there is also documentation that you have based on your analysis.

Do you keep copies of that and have your own repository of that? I know you are going to share that data with us.

>> MR. BRUCE ADELSON: I'm sorry go ahead.

>> COMMISSIONER CLARK: No, I'm interested in whether you have your own repository of everything that we -- that you do and then at some point in time that's transferred over to us for historical purposes.

>> MR. BRUCE ADELSON: Well I think, you know, the historical purposes that is something that to do with the end, sure, to the extent that none of the work I'm providing is attorney/client privilege which I'm very conscious of.

I don't want to waive your privilege by providing documents, publicly that should be confidential.

But whatever work that you know one of the things I do with all my redistricting clients and that I'm doing now with other clients, with election analysis for example, so as I do analysis, come to conclusions, have opinions legal opinions and I share them of course with my clients, same thing would be true here.

If you asked me to do a particular analysis, look at a particular Court decision, whatever the question is, absolutely, when I prepare my analysis and give my opinion in whatever format that you want then I share that with you and that is one of the examples of that is the one person, one vote populations deviation memo that I wrote for you that I did that in response to something I had heard at one of the meetings or the hearings.

I don't recall.

To give you a little foundation and framework for what is one person one vote mean? And I know you have heard with population deviations one percent for Congressional and 10% for state districts, what does that mean? So that was a big issue in Arizona, that was the issue they took us to the Supreme Court on. So I thought that having some basic information now to go along with what I did for you for the redistricting and race would give you a good, basic handle on at least some of the issues that are facing you.

>> COMMISSIONER CLARK: Okay let me ask you this: If we put together a District and can you analyze that and come back with recommendations? And then at some point we may tweak that and come back again.

>> MR. BRUCE ADELSON: As many times as you decide to tweak something particularly with the Voting Rights Act issues and particularly one issue one vote, yes. Analysis I have done with Redistricting Commission and with Arizona is in real time. That I can make a real time conclusion come to an opinion by seeing exactly what you're doing.

So one of the an example would be and we talked about this during my program that if you have a 70% minority population in one District, I know Lisa and I will be talking about well what percentage is needed so they the elect candidates of choice and if you put in more than that that is something we talk about and that is an example that regularly comes up in redistricting.

>> COMMISSIONER CLARK: Would you document that as part of your documentation?

>> MR. BRUCE ADELSON: About the opinion that I give you?

>> COMMISSIONER CLARK: Yes, if it's real time.

>> MR. BRUCE ADELSON: Yes.

I can.

>> COMMISSIONER CLARK: You are breaking up.

>> MR. BRUCE ADELSON: My opinion as part of the record and I can call if you give me a couple of minutes I can call in on a landline and that might be more stable than what is happening now so would you like me to do that?

>> COMMISSIONER CLARK: Yes, I think that would be best.

>> MR. BRUCE ADELSON: Okay I'm going to stop the video, mute myself and I will be back in a moment.

>> COMMISSIONER LANGE: Mr. Chair.

>> COMMISSIONER WITJES: Yes, ma'am.

>> COMMISSIONER LANGE: While we are waiting, I would like to know if Dr. Handley has anything to add to the topic we were on?

>> COMMISSIONER WITJES: Dr. Handley.

>> DR. LISA HANDLEY: I am going to have an analysis and at the end I will have a lengthy report. And it will outline all of the contests that I've analyzed. It will indicate things like what the percent minority is that I think is going to be needed in some areas. And it will identify contests that will be used as bellwether contests. So a lot of this information will be in my report. And I will also be available as you draw and determine analytically with data whether you have an effective District or not. If you're talking about something like a minority District, not if you are talking about things like communities of interest and whether you have a District that would elect, say, a candidate preferred by Arab Americans. That is not going to be part of my analysis. But anything to do with the racial bloc voting analysis, that's what I do. Is a lot of analysis for the state, for particular areas of the state and when you are drawing for the districts that you're drawing.

>> COMMISSIONER CLARK: So same question that I had for Bruce.

We develop a District, you will give us your analysis at that point in time and then if we tweak it, you will give us your analysis again real time?

>> DR. LISA HANDLEY: That is correct and some of this redistricting software is going to be giving you real time.

So for example.

If I say something like in this particular area, I think you probably need a District that says at least 49% Black and voting age population.

And I have determined that these couple of contests are bellwether contests and you want to make sure that these candidates of choice, that the election returns indicate that those candidates will win.

So some of this you will know as you're drawing.

You will know if you have made the districts efficiently minority and you will know if the candidates that I pointed out as bellwether candidates have carried that District.

Now there is a little more to it than that, but that is sort of a very quick way for you to know real time what is going on.

>> COMMISSIONER CLARK: Now going back to the original question that Anthony brought forward, do you document all those items as we progress through the process? You personally document them in your own repository so they are available at some other date?

>> DR. LISA HANDLEY: Yes, as I said there will be a written report that I produce that will be given to you for part of your record.

I mean, sometimes you can actually get the results of the analysis, in other words, the statistical results of the analysis and we can talk about whether you want that as well as the written report.

But you will have.

>> COMMISSIONER CLARK: You would analyze those statistical results and give us a recommendation, is that recommendation documented on your side?

>> DR. LISA HANDLEY: Yes.

>> COMMISSIONER CLARK: Okay and at some point, in time we get the hard copy of those or whatever we need to store our archives at some point.

Okay.

>> DR. LISA HANDLEY: Depending when I get the data to do the analysis you will have the major written report prior to drawing.

>> COMMISSIONER CLARK: I'm looking at it from a documentation standpoint for Anthony's original question so good.

So my understanding is both you and Bruce document your recommendations and your analysis on your own, keep them in your own repositories and at some point in time we get a summary of that or the full copy of all that.

But real time when we are doing our work you will give us the recommendation at that point.

Okay.

>> DR. LISA HANDLEY: That is correct.

>> COMMISSIONER CLARK: That is the end of my question.

>> COMMISSIONER WITJES: Director Hammersmith.

>> MS. SUANN HAMMERSMITH: So when you get the data do you need the tabulated legacy data the September 30 census data, please clarify what data that you need in order to progress, thank you.

>> COMMISSIONER WITJES: General Counsel.

>> MS. JULIANNE PASTULA: My question was different, Mr. Chair.

If Dr. Handley wanted to respond.

>> COMMISSIONER WITJES: Okay, we will come back to you.

>> DR. LISA HANDLEY: There are two pieces of information that I need to do an analysis, and that is I need to know the demographic composition of the election

precincts and I need the election results for those precincts and these are in two different places.

And it's even a little more complicated than that but I will need the election results and that usually comes from Secretary of State's office.

But I'm not sure in this case.

Kim probably has been tracing this.

In terms of the demographics of the precincts, if I'm looking at contests that occurred before 2015, the PL, 2010, the census PL2010 data is the data that I would use.

Unfortunately for the elections from about 2016 on I would need the PL data yet to be released.

So these are the pieces of information that go into this.

Now, I know that PL2010 data I suspect we don't have the precinct boundaries for that data or the elections that we are interested in or if we have that we would just begin to work on those because we need to match the 2010PL data with the precincts in which the 2012 and 2014 elections occurred.

So that's the first piece.

That is the piece that can occur prior to the release of the 2020PL data.

But hopefully it will be up and ready to go the minute the 2020 data comes out because that's when I can begin my analysis of more recent contests.

We have some ways around that.

We could use there are various sources of estimated data.

EDS has put together I think in the redistricting package the two sources of estimates of the racial composition of precincts.

Less than reliable.

There is even a more complicated way of doing this and that is to use what's called a census sir name registration that comes off of the voter registration with sir names and identify the race of sir names.

This is much more popular in places like California where you have a higher probability of guessing correctly because you have Hispanics and Asians it's less accurate when your primary race of interest is African/American.

>> KIM BRACE: If I could Mr. Chairman this is Kim Brace.

Let me add to what Lisa has been talking about and Doug has been talking about also or Bruce has been talking about.

We have the racial components that we are pulling in, both the 2010 data and supplementary data like the stuff that I've shown you already in terms of the maps that we showed.

So we are trying to pull together the appropriate data that Lisa is looking at and looking to look at.

We have the precinct boundaries that the state generated.

We are evaluating those right now.

And then we are evaluating the connection between the boundaries and the election results themselves.

And making sure that those election results are adequately provided for in conjunction with those boundaries.

So that is the data set we are working on right now and building we are getting continual data from the Secretary of State's office.

I was uploading things from FTP sites over the weekend and all of that.

So that we are trying to get everything there.

So another piece Lisa will need which we have not talked about is the identification, the racial identification of the candidates that were on the ballot.

Because from her standpoint she is looking to see where there are African/American candidates or Hispanic candidates or Asian candidates in various contests, and the issue will be as being able to identify those.

And so that is where some detective work will need to take place.

Go ahead.

>> DR. LISA HANDLEY: Doing the bloc racial and the contests that include candidates are far more probative than contests that do not that is why we have to identify the race of the candidates running because I always want to begin with and end, if possible, even contain my analysis to election contests that include minority candidates.

>> COMMISSIONER WITJES: General Counsel did you have something? I saw your hand came back down.

>> MS. JULIANNE PASTULA: I did and I apologize for backtracking slightly but I did want to know for the benefit of the public that the consultant records per the contract, those are all Commission records and subject to our records retention protocols. So I know what Commissioner Clark and the committee is doing right now is finding out how it fits in the work process flow but I did want to make the general clarification that all of the records are Commission property and will be retained and used accordingly.

Thank you, Mr. Chair.

>> COMMISSIONER WITJES: Okay, anything else on documentation decisions that we are making? Or are we ready to move on to the next question?

>> MR. BRUCE ADELSON: Can I interject briefly.

>> COMMISSIONER WITJES: Please.

>> MR. BRUCE ADELSON: Can you hear me better?

>> COMMISSIONER WITJES: Yes, sure can.

>> MR. BRUCE ADELSON: Good one of the issues we talk about documentation as part of the Voting Rights Act Section Two analysis is having historical information about discrimination in Michigan historically, the history of voter discrimination in particular. That's not something that I'm aware of, there may be some prior studies and analyses of that, that I'm not aware of but that is also part of the record and it's also part of

making determinations about Section Two whether or not the so called Gingles factors are present so having historical information of discrimination and also voting discrimination.

In other states these types of studies analyses are perhaps more prevalent than they are in Michigan.

I know in Arizona for example we were able to rely on a lot of existing histories, documentation to get moving pretty quickly without having to do additional analyses. You know I had pointed out when I was with you a couple weeks ago the USA versus City of east point decision, so that gives us some framework of current voting related discrimination at least in the City of east point.

Which is important.

So having additional history of discrimination and a history of voting discrimination is also part of the documentation you will need.

>> COMMISSIONER WITJES: I did have a quick question and I didn't know if this would be an appropriate time to ask it.

I know Mr. Brace you were going to say something too and feel free to rope this into it. Just in regards to documentation and what it is we are doing, I know that each Commissioner is technically able to draw their own map and submit one map of each kind whether it's house, Senate or Congressional.

And I'm assuming we would be able to work in the software at that particular point to do and make our own maps at that point to play around with the numbers, all of us be able to do that if we so choose to.

My question is do we need to be documenting the things that we are doing individually if we so choose to work individually? Or at home when we are not in a big giant body or looking at things and testing things out for our own behalf or is this documentation more along the final maps that we are going to be creating at this particular point?

>> KIM BRACE: Good questions if I can take some first cut on some of that. Certainly from the standpoint of the software, you will see on the screen immediate changes as you draw and move a piece of territory from one District to another. That will appear on the screen both graphically, with colorization as well as numeric down on the spreadsheet at the bottom of the page therefore certainly one big suggestion is making sure that this information and these exercises are videotaped and they are part of a YouTube channel as we are online and that sort of thing.

So you will have all of that and in real time you will be able to see what it is on the screen and what it is in terms of the spreadsheet.

And Commissioner in terms of your individual machines, that is another very good question.

And I would defer to both Sue and Julianne in terms of that.

I think it's something that certainly should be on the topic area for discussion.

And consideration by the Commission as part of the issue of what do you have on your systems at home.

Because that is there.

Certainly on your home machine if you have the full auto bond edge that you would have all of the steps that you were going through as you were drawing.

And those are recorded as I said before in the system itself, in the software system, so saving your hard drive portions of that component would be what would be needed for your own machines if you are drawing on your machines.

So those are the kind of component pieces that we are talking about.

>> COMMISSIONER WITJES: Got it.

>> MR. BRUCE ADELSON: If I could just add briefly and this is something I would like to talk now with Julianne about what's discoverable in a litigation.

I mean I have seen all kinds of records of both individuals and records of a body that are discoverable.

I think that is something that Julianne and I can talk about in additional detail.

And it may happen with you as well. And you can discuss or explain what work you are doing. So you are bringing your work to the body, which, of course, then is part of the body's record. But as far as the additional from a legal standpoint, what else should be preserved, maintained, that is something I look forward to discussing with Julianne.

And, certainly, from a litigation perspective, because that has been at the top of my mind for quite some time as it is really with all of my clients is minimizing risk, looking forward and seeing what may happen in the event of litigation.

So thank you.

>> KIM BRACE: I think it's safe to say there was a saying many times in redistricting circles is be careful in terms of documentation, but make sure you have got your lawyer with you always.

So certainly in terms of Bruce's advice and Julianne's advice that's part of the key there.

>> COMMISSIONER WITJES: Got it.

All right Commissioner Eid I think we are ready to move on past documentation unless anyone has any kind of question or thought at this particular point? Keep in mind we can always come back to it later on if we need to.

>> COMMISSIONER EID: Okay wonderful so move on to number two then.

And that's basically what are your suggestions for the continuing education component or the Commission in your respective area?

>> MR. BRUCE ADELSON: Well, the education that I provide to you? I'm sorry.

>> COMMISSIONER WITJES: I believe so, yes.

>> MR. BRUCE ADELSON: Okay, well, our interactions have been relatively short so far.

I expect that is going to change as we move forward.

But among the things I like to do is I like to have a lengthy discussion with you where we are focusing on the legal requirements of redistricting beyond what we've talked about. That includes the Constitution, U.S. Constitution, that includes your state criteria and what they mean connected with each other and also connected to Federal law.

So I would recommend that we have a lengthy time together in person where we can discuss these issues in an interactive, consecutive format.

I think that is something I did a lot of in Arizona.

I did that with my other clients so I would recommend that here.

I know there has been discussion about my providing an implicit bias education program.

There has been talk about a specific date so I don't know if that has been confirmed, but that would be something else.

I think, too, just in having you know almost like a Q and A kind of discussion about what's the next step around the corner going to be like? What's going to be happening? How long will your meetings be? What will the real time experiences be? And I think just having, getting even readier than you are and just having a greater appreciation for how much things are going to change frankly after the data are out and after everybody is crunching numbers and analyzing and making changes and taking suggestions from the public.

So that would be a suggestion of their topics that you are particularly interested in that we have not discussed?

>> COMMISSIONER EID: Well I'm particularly interested in the bias program you were speaking about a little while ago.

I know that is a little bit more time intensive and I believe our staff is trying to create time to have that.

Does anyone have anything else?

>> COMMISSIONER WITJES: I think this is go ahead Commissioner Clark.

>> COMMISSIONER CLARK: I think we almost have to define those things as we move forward.

We don't know what we don't know at this point because you know so as we confront certain topics or certain areas, we are going to have to ask and have you provide that guidance.

>> MR. BRUCE ADELSON: Well, I understand that Commissioner Clark.

I think that is a great point and why I bring up our having a lengthier time than what we have today and what we had when I was with you two weeks ago.

There are a lot of issues frankly and there is one issue, I woke up pretty early this morning because I couldn't sleep with one thing.

I was thinking about that I have watched your meetings and hearings pretty regularly. And they have been really interesting, dynamic, a lot of good information.

What has struck me is that many people as you know are really focused on communities of interest.

And that being a real priority.

It's a high priority on your redistricting criteria.

But coupled with that criteria in the same sentence is districts shall reflect the state's diverse population.

Well what does that mean? And how does that interact with racial gerrymandering for example? The Voting Rights Act? And all kinds of other issues that we have not discussed.

So that's something that I think is a very important topic to talk about.

So your state criteria, your how they interact with Federal law, how they interact on their own, you know, as we know this is brand new in Michigan.

These criteria are brand new.

Not every state has a criterion for diversity for example.

So as I said, what does that mean? So that's something I would like, I think we can discuss with you.

As your attorney, I think we need to have a really wholesome, uninterrupted lengthier conversation about these issues so that is something that I really respectfully encourage and hopefully that is something we can do before the end of the summer.

>> COMMISSIONER WITJES: Dr. Handley?

>> DR. LISA HANDLEY: I apologize I have not heard all of the meetings so I don't know what is going on.

And relative to one topic that I'm worried about, and that is one of your priorities, redistricting priorities and the pyramid I made the other day is partisan fairness.

And I'm unsure of whether you have thought about how you're going to do this.

Political scientists have a variety of ways of measuring this.

And I don't know if you have been thinking about this particular component.

It falls below things like communities of interest.

But way above things like compactness for example.

Has anybody given any thought? Are you thinking about this at all?

>> COMMISSIONER WITJES: Thinking about it? Yes.

Knowing how to go about doing what's in my head? No.

Because we have been hearing a lot about people saying we want as many competitive districts as possible so my mind is like let's make it close to 50/50 as possible but of course that is going to be difficult to do so and again I'm not an expert in this area, I was just thinking about it in very simplistic kind of terms.

Commissioner Lange?

>> COMMISSIONER LANGE: I've thought about it a lot and then when I think about the political fairness then I think about the constituent fairness.

There has been different public comment about joining like rural with urban and, you know, when we look at communities of interest and you know, here is where the lines start to blur for me from political fairness and being fair to people and when you say the you know one voice, one vote, having it all correlate together, it just I don't even know how it's going to all correlate together honestly.

But the political fairness, yes, I definitely have thought about because you can look at a map of Michigan and the voting history of Michigan which I have gone back myself and looked at 2016 and 2012 election maps.

And you can see there is distinct areas that have voted a particular way.

So is the political fairness breaking up those areas to combine them with other areas to make it 50/50? Or is there another way or interpretation of political fairness?

Dr. Handley actually, I will direct that question to you.

>> COMMISSIONER WITJES: Go ahead.

>> DR. LISA HANDLEY: I will tell you as a political scientist that there are dozens of ways to determine political fairness mathematically is to determine political fairness from the very sophisticated let's make a million maps approach and compare our map to these million other maps to some very relatively straightforward ways to measure fairness.

And my own favorite is the efficiency gap which we could have talked to Kim briefly about the possibility of talking to Fred about building this into your software package. It doesn't require a lot of competitive districts.

What it requires is if you build really, if you have a lot of wasted votes in some districts that you have an equal number of wasted votes in another.

So if you are going to recognize that there are places where these districts are going to be heavily republican because that's all that lives there, then you can recognize there are areas that are heavily democratic because all the voters live there and it tries to balance this out.

And it tries to ensure that you're not wasting more votes of one party than the other but that some districts will be heavily one way and other District also be heavily another way.

But I think that some time should be spent at some point determining how you want to go about looking at political fairness.

I think that this needs to be explored and as a political scientist, I think that you could use my assistance or you can bring in I don't specialize in this but you could bring in a political scientist that might help with this.

But political fairness is different than competitiveness.

>> COMMISSIONER WITJES: What about and this is another way I was thinking about it, I probably should have mentioned it, I looked at some of the public comment we received in District R and I can go and take a look at the analytics of everything for the most part and would a better way to look at political fairness instead of looking at

competitive districts is the seat differential because some of them are close to 49, 50, 52, 48% split.

However, the total number of seats are swayed way in one different political parties favor at least in Lansing.

Now would a way to determine political fairness is to make that aspect as close to even as possible rather than looking at a District so if you have one District that could be let's say 20% democrat, 80% republican and maybe a couple of those, however, by doing that you can draw districts so that the total seat split in Lansing would be closer to 50/50.

Is that a better way to determine fairness?

>> DR. LISA HANDLEY: In a way efficiency gap catches that.

I think that the question is broader.

And, Bruce, I think will talk to you more about the broadness of the question.

I'm talking about the possibility of some simple measures that could guide you and that the courts have looked at, courts have not agreed on what a measure is, but I'm thinking things that you could look at quickly to determine what it is that you're interested in.

Like I said there is a host of partisanry and partisan bias measured and we could talk I mean we could use more than one and you could, you know, look at the things that you think are right and wrong about these various measures.

All of them have their supporters and all of them have their critics and you should probably know what these measures are good for and what they are less good for.

But you probably should start thinking about that in a quick and easy way.

But, again, I'm going to tell you that Bruce will tell you the question is possibly bigger than that but there are mathematical, there are political science means of looking at this question.

>> COMMISSIONER WITJES: Bruce did you want to add anything?

>> MR. BRUCE ADELSON: A couple things and also this topic and I take you know kind of piggybacking off what Lisa said and Commissioner Lange said all of these considerations are obviously contained in the criteria, but one of the things that we faced in Arizona a lot of pressure to make politically competitive districts.

Well at some point that may run up against the Voting Rights Act or that may run up against one person, one vote and that's a subordinate criteria to the Federal one.

But one of the things that I two issues I like to talk about quickly we have not discussed how the Federal courts are viewing or have viewed in their decisions these competitiveness political fairness statistical models.

Some have been rejected.

Some have been criticized.

I think we need to talk about that.

Is that something, do you want to use a measure that the courts have considered not the best let's say? Let's talk about that.

And also the one of the strategies we did in Arizona and I'm not suggesting that this may work here, we under populated a lot of districts.

We under populated majority, minority districts in order to buttress the strength of those districts against historical voting discrimination in Arizona.

And significant racially polarized voting.

We documented that.

That very heavily, that was part of the challenge to the legislative plan, Supreme Court and the lower Federal Court rejected that.

And said the record clearly shows that they did this to comply with the Voting Rights Act.

So there is no one person one vote violation, no constitutional issue, nothing.

Compliance with the Voting Rights Act is legitimate state Government consideration and redistricting that allows some play with the state legislative District population deviations.

I think I might have mentioned that a little bit in the memo that I did but that is also something I like to have for a conversation with you in person.

So we could go through this.

Because I agree with what Commissioner Lange said about it just kind of like blows your mind in a sense all these factors, all the things that your public hearing commenters have said.

And they really are eloquent, great, great comments.

And they have been very clear and from what I've seen and what are their priorities.

Well, what does that mean? How does that intersect with everything else? And I agree, this is something to think about and it's something to start talking about and figuring out what direction to go.

But remembering that this is a subordinate criteria to the Federal criteria and that may not be competitiveness may not always be possible.

So I wanted to throw out both of those.

>> COMMISSIONER WITJES: Commissioner Eid?

>> COMMISSIONER EID: So this is something that I think about every day.

You know, how do we find the perimeters for what is defined as politically fair? And there is no real, you know, over all accepted definition of this from my understanding, unless some things happened recently that I'm unaware of.

So given that, and probably it would be best to use a whole lot of different data points.

Whether it be efficiency gap or wasted votes or I'll remind everyone when we submitted those practice Ohio maps our friends at our University partners here in Michigan gave us pretty detailed analysis of those maps with more, you know, analytical data points than just those two being efficiency gap and wasted votes.

And those are all useful tools that we can use, you know, to help guide us.

Now, you know as far as competitive fairness goes, as Bruce just eloquently stated, we may not be able to do that for every District.

And I'm not sure if that is something we even want to do.

I mean, if, you know, if 80% of the people in Detroit vote democratically why would we want to make their District 50/50? If 80% of the people in the U P vote, you know, for republicans, why would we want to make their District 50/50? I think what's most important though and what has been echoed in the public comments is the idea of proportionality.

Whereas if you know especially considering you know we are in Michigan.

This is a swing state.

We tend to you know 2016, one party won in 2020 and another party won and that tends to happen here.

So the goal in my eyes should be to make it proportional.

If one party wins a certain election, that party should get the amount of seats that is proportional to the amount of votes they got.

No matter which party it is.

And to me that's what is fair.

Now, I think the efficiency gap data point, you know, the main purpose of it is to address like that is specifically what it addresses as far as my understanding of it goes, but I'm sure there are plenty of other ones that do as well.

>> COMMISSIONER WITJES: Mr. Brace?

>> KIM BRACE: I'll unmute myself, sorry about that.

What we are always looking at data items to see what they could tell us.

And I'm one of those that would like to have more data than anybody else because they can tell different things.

But certainly in terms of like the competitiveness thing, I would go back to giving you an example coming out of California.

California is a long and skinny kind of state and in order to create competitive seats, because the coast is democratic and the middle and the eastern edge of the state is republican, for a competitive seats you would have to create districts that are stacked going back and forth.

Now, is that fair? Is that reflecting? There are a lot of conflicting ideas in terms of that.

Certainly you would have to be crossing mountain ranges.

Is that good? What you find in redistricting is there is enormous, different competing interests and factions.

Just from a conceptual standpoint.

And it will be up to you guys to ultimately decide how you want to configure it, but be cognizant from the data side we can really show a whole bunch of different things. And Lisa is right, she and I have been talking about what can be done and what can be shown.

So that we could see that and somewhat real time and, in some instances, and at other points in time it may come as a result of taking a plan and then running a report off of it kind of a thing.

So there is a variety of different aspects that can be done here.

>> COMMISSIONER WITJES: Dr. Handley?

>> DR. LISA HANDLEY: In terms of Michigan law actually, the point is not competitiveness.

And so I don't think we have to think about that.

It's no disproportionate advantage to any political party.

So the issue of competitiveness unless you believe lots of competitive districts equals the disproportionality or doesn't.

So I think there are a host of political science measures that should be discussed and considered and determined whether we could use any of these in an easy way or whether you want to bring in someone who is going to do something.

But it is part of the Constitution.

And it isn't certainly one person, one vote in the Voting Rights Act and communities of interest are above that.

But other things like compactness and boundaries are below that so it's something you have to think about among all the other things that you have to think about, there is another one.

>> COMMISSIONER WITJES: One second Anthony, I have a real quick question here because I want to get on to the question about the actual continuing education here at this point.

Mr. Adelson, you stated that you like to potentially have a lengthy discussion with us. Off the top of your head, how long would this lengthy discussion potentially be? So we can try and get this added.

>> MR. BRUCE ADELSON: Yes, I appreciate that.

I think I'm flexible as far as time.

I don't have any rigid amount of time it has to be.

I'm more concerned that we have an attorney/client conversation which is uninterrupted where we can discuss the issues that we are briefly touching on today in more detail as well as some issues we have not discussed.

So how much time would that be? That might be an hour and a half.

It might be two hours.

It would be great if we could -- if we had more of an open ended opportunity.

But you know I'm always very flexible about time.

So I would suggest off the top of my head hour-and-a-half minimum, two hours might be more optimal.

Because as you have seen just in our 25 minute or so conversation there are a lot of issues and there are more issues that we have not talked about.

And I think that getting them out, discussed, go back and forth and now, not now literally but now before the end of the summer, I think would be very advantageous and would use the process once you go into the fall.

And create a very informed situation.

So off the top of my head Commissioner I would say that that would be my off the top or off the top of my head estimate.

There is one other thing I forgot to mention when we were talking about continuing ed.

I suggested to Julianne that I don't know if this has been discussing to have a mock redistricting where you have to me two districts you have a rural District and a more urban District with a large minority population.

So you can actually see what we have been talking about.

That if you keep this Township in this District what does that mean? If you want to put a Township in a certain District or keep a county whole, what are the possible implications of that? So that's a suggestion if that is something you all are interested in, I think that could be very helpful before real time starts approximately around labor day so that would be another suggestion.

I apologize.

I didn't recall that earlier.

>> COMMISSIONER WITJES: That's fine.

So just given that piece right there, I was going to put this out there, I would personally look favorably on a motion to add a recommendation that we bring to the Commission that we give Bruce two hours of time to be scheduled at a later date once we have a full discussion with the Commission so that he can do some continuing education with us. Doug had his hand up first and then to you Rhonda.

>> COMMISSIONER CLARK: Yeah, question for Bruce, when you say hour-and-a-half or two hour meeting, attorney/client privilege does this mean it is not open to the public?

>> MR. BRUCE ADELSON: Well I didn't say attorney/client privilege I said attorney/client conversation.

The privilege I understand is a different issue.

And I understand that what the Michigan law says about closed meetings and attorney/client communication but I'm not talking about a necessarily a privileged confidential meeting.

It's just our time together has been somewhat limited and today because I know you have a full agenda and we have Kim and Lisa and I are here answering questions and providing information.

As your attorney, I am recommending that we have a defined period where we, I can speak with you, doesn't have to be confidential, about the issues that we're talking about in more detail.

And also issues that we haven't talked about.

So and doing that before the end of the summer, before crunch time starts, I think would be helpful, but I'm not talking about an attorney/client privileged closed session conversation.

>> COMMISSIONER CLARK: I will put that motion forward Dustin the one that you suggested.

>> COMMISSIONER WITJES: Is there a second?

>> COMMISSIONER EID: Yes, I will second that.

>> COMMISSIONER WITJES: Motion has been moved and seconded to have a recommendation to the full Commission to have Bruce have a put two hours on the actual schedule to have a discussion with us.

And then.

>> COMMISSIONER LANGE: Excuse me I'm sorry but I never got to ask my question.

>> COMMISSIONER WITJES: The motion was seconded so your question will come when we do the discussion of the motion.

So I was just restating the motion.

So with that is there any discussion on the motion? Commissioner Lange?

>> COMMISSIONER LANGE:

>> COMMISSIONER WITJES: On the motion to put this recommendation forward if you are in favor of it raise your right hand and say yeah.

>> Yeah.

>> COMMISSIONER WITJES: All opposed raise your hand and say nay.

>> COMMISSIONER LANGE: Nay.

>> COMMISSIONER WITJES: 3-1 motion carries for the recommendation that we add or that we recommend to the full Commission that we allow for a two hour addition to business for Bruce to have a discussion with the full Commission.

Commissioner Lange?

>> COMMISSIONER LANGE: I just want to know what does that have to do with coming up with a process for drawing maps? I'm confused.

Yes, we need to have continued ed.

But I thought this meeting was about doing the process for drawing maps.

I'm getting so off track, you guys, and I'm sorry, but I'm just trying to keep it about what this is supposed to be about.

It's not supposed to be about continued ed.

It's supposed to be about the process and coming up, with a process.

So that's all I got to say.

Just voicing my opinion.

>> COMMISSIONER WITJES: Well wouldn't that, that was a direct question that we had regarding the VRA legal counsel and the questions to the Commission for today.

So with a response of that, with an answer of that kind of response, wouldn't it be appropriate to at least grant Bruce the time at this particular point? To say hey, you know this was requested during it and this was a direct question that we had regarding VRA during the process meeting and it was a suggestion that he had.

What is the harm in asking for or just doing that as well? It's technically part of the process because we need to know what information we're going to be looking for. Anything else in regards to continuing education? Commissioner Eid?

>> COMMISSIONER EID: Thank you.

What would be useful to me, and you know maybe this can be put together you know with all of our team members in conjunction, excuse me but I'm looking at some of my previous notes again on these, these metrics that we are discussing, which I think are a part of this whole process.

And, you know, I'm seeing a whole bunch of different measurements.

I'm seeing, you know, mean median and partisan bias and partisan genie, efficiency gap, the plause versus popper compactness score. The wasted votes metrics, and there is a lot of them.

And I don't think all of the Commissioners have a proper understanding of not only what each of these are but also as we said earlier what or which ones are most accepted by the courts? So what would help me is some sort of memo or something that kind of goes over all of these and you know, says which ones are you know the best practices to use as far as you know what the courts have been saying.

>> COMMISSIONER WITJES: That makes sense.

Anything else in regards to continuing education? Or are we ready to move on to question three which is the timeline.

If we are, Commissioner Clark?

>> COMMISSIONER CLARK: Yes, I mean I have 100% agree with what Anthony just said.

There is a lot of terms being used that we don't understand the significance of them and how we would apply them and I think that would be very helpful.

>> COMMISSIONER WITJES: I would imagine it would be part of Bruce's presentation that he would give us.

>> COMMISSIONER CLARK: I think some of the terms come from Lisa as well.

>> COMMISSIONER WITJES: True.

>> COMMISSIONER CLARK: Yes, and Kim as well, some of the things they do on their side and I would suggest that maybe we use our staff to work with the vendors to put something like that together.

>> KIM BRACE: Certainly from our standpoint I agree with all of you that a collective memo, that outlines from each of our perspectives the various issues that you have before you would be probably the most useful for you to move forward with.

>> COMMISSIONER WITJES: Anything else with regards to continuing ed?

>> COMMISSIONER EID: So just for clarity, can we -- can all of you all work together to put something together for us like that? I'm sure our General Counsel and Executive Director can, you know, help organize it and get everything together to create that kind of memo.

>> COMMISSIONER WITJES: Well that is the quickest tie I've seen in my entire life with hand raising so let's go with director Hammersmith first.

>> MS. SUANN HAMMERSMITH: I just want to let you know that your staff are here to serve you.

And if that is the need of the Commission, we will certainly make sure that this happens on your behalf.

So we will take care of it.

>> COMMISSIONER WITJES: Can't hurt, General Counsel?

>> MS. JULIANNE PASTULA: Nothing to add, Mr. Chair.

Thank you.

>> COMMISSIONER WITJES: All right.

Anthony, would you like to go ahead and ask question three, please?

>> COMMISSIONER EID: All right.

Well, that was good.

Next question is more about the timeline.

And we have kind of gone over some of it already, but how does the timeline for the work that each of you coordinate with the mapping process and racial polarized voting analysis, what's the timeline on that? I know we have said that some of it will occur in real time.

Some of it will occur in the form of a report after the fact.

But is there a timeline that we should be cognizant of?

>> COMMISSIONER WITJES: Let me add on to that if you don't mind and with the timeline itself what would be the best way for us to get information between both Election Data Services and yourself, Bruce?

>> MR. BRUCE ADELSON: Well, I think to echo what Lisa and Kim said, you know, we are all eager to have election results.

Election results are the bread and butter in many ways of redistricting.

One of the things that occurred to me the other day was you had a very contested 2020 U.S. Senate election that I think you had an African/American candidate who ran statewide.

Those are great elections potentially to look at and analyze, to get an idea of racial bloc voting.

So having a statewide minority candidate run is like to me that's like fantastic.

I get very excited about that.

Because that is an undisputable election as far as being able to provide clarity information and enable Voting Rights Act compliance.

So getting those election returns in the formats that work for Lisa and Kim really important.

I know that that's something that I'm doing in other states.

We are right now we are getting election returns.

We have returns.

We are doing the analysis.

So being able to do that and Lisa mentioned that very important term bellwether elections, looking at elections that are Voting Rights Act relevant particularly elections where there was a minority candidate.

And analyzing them.

So that's something that is really important.

I too am eager like everyone to see the census data.

The census data will inform many other things too so that while I can provide or will provide real time analysis, opinions, as you're Districting, as you are tweaking, making changes, coming up, with your originals then there will be additional level of analysis that we have talked about as well.

But once you have the election returns, once the election returns are downloadable, downloaded in the format that Lisa and Kim need, then we can begin to see as the analysis moves forward what the universe is we are talking about.

The extent the racially polarized voting, where is it and what elections has it been more prevalent? Where there are issues that we need to be particularly aware of.

I use the east point case just as an example because that tells me that there has been analysis in Macomb county, in the City of east point regarding racial bloc voting.

Very helpful.

And as we get the other election returns, they will be even more helpful.

>> COMMISSIONER WITJES: I keep hearing that you know we are waiting for the census results and all that.

I'm assuming the legacy data is not going to give you the information that you need.

>> MR. BRUCE ADELSON: Well, I'm going to defer to Kim and Lisa.

I know people have different opinions about the legacy.

I know one state I work in the expert wants to confirm the legacy data with the PL data when it comes out at the end of September but it's not like that is an absolute you know way to go.

But the legacy data as you know has to be put in a usable format.

That's going to be the first 2021 data that we have the potential of seeing.

So once that data is ready for all of us to view, see, analyze, think about, peruse you know then the process starts to pick up steam because then we have the actual working numbers that we can use.

>> COMMISSIONER WITJES: Dr. Handley.

>> MR. BRUCE ADELSON: And that you can use.

>> DR. LISA HANDLEY: Racial bloc voting analysis requires not just election results but it requires the PL data.

I think the legacy data Kim is able to deal with so I don't think we have to wait to the end of September but we have to wait until August because as I said I need two pieces of data the election results and the demographic data.

With the exception of the contests that we are going to view for 2015.

So some of this will necessarily happen later rather than sooner.

>> COMMISSIONER WITJES: Mr. Brace? Anything? The census is still the biggest quarrel in our timeline here.

>> MR. BRUCE ADELSON: Yes.

>> COMMISSIONER WITJES: Anyone else have any questions with regards to the timeline at this particular point Commissioner Eid?

>> COMMISSIONER EID: So in an ideal world we are going to get the census data September 30th, knock on wood of course, see what they do over at the Bureau. But after we get that and it picks up steam, how long does this analysis take? I think that's what we are talking about.

We need an understanding of we are going to be crunched for time, no matter what timeline we come up with it's going to be hard, there are going to be a lot of meetings and they will have to be in person now so I think what we need as an understanding of how long you know these different analyses take.

>> KIM BRACE: If I could Mr. Chairman.

>> COMMISSIONER WITJES: Please.

>> KIM BRACE: Give you at least some guidance and thought process from our side. What we see coming, and I think the best way to organize on the data side, is we will make use of the legacy data and crunch that first obviously.

That information I envision multi part viewing of information and analysis of information. Many of which follows the patterns that I've been showing you.

The maps that we saw, when we get the PL data, we will make new maps, showing what the PL data is telling us, we can then compare it with the ACS for example, if need be, but we can see finally, finalize numbers coming from PL, that would be both in terms of mapping as well as tables.

We plan to produce population counts of the existing districts and what is the deviations from the existing districts first off.

That's a guidepost of how far out of whack are the existing districts, certainly, and of course we are going to you know start from scratch, I agree, but at the very least knowing where things stand on the existing districts is important.

Knowing what the County by County data shows, are there some anomalies in that County by County data or Township by Township data that we need to be cognizant of? All of that kind of analysis will take place as soon as we can start crunching that legacy data information.

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So that we will start feeding you data and tables and maps of all of this kind of stuff. It won't be, you know, finalized and that sort of thing. But it will give you some beginning points of seeing and having information to help you. Ultimately that's going to get combined into the master database that goes into the mapping software.

Right now we are trying to add in all the election side of things.

That's behind time.

Right now because we have been waiting for the state to provide that information, but we are seeing some progress over the weekend.

Just trying to understand what we've got and massive downloads, FTP sites and that sort of stuff.

So that's the component that ultimately, we need for both Lisa's analysis side, the election side, as well as the competitiveness side of things.

What are the districts ultimately looking like.

And then if you remember what I was showing you on Friday is what that spreadsheet on the bottom of the computer screen would look like.

We will be formatting that to include additional tabs now for the PL information and as I mentioned additional tabs to the far right with the election data.

So that as we are drawing all of that information will change real time to help you then decide what you need.

So that ultimately snapshots of that can go to Bruce and to Lisa.

Like what we are doing in a couple other clients right now.

Lisa and I.

So that that information can go into her analysis as well as Bruce's analysis.

But it's that components of all that data that would come together and be able to start feeding both the experts as well as the Commission.

I'd be happy to answer questions.

>> COMMISSIONER WITJES: Any questions for Bruce around the timeline? All right, we can move on to question four, but I have a feeling question four has already been answered.

Because it has to do with documentation so if anyone else has any questions about documentation or adherence to the VRA please go ahead.

>> MR. BRUCE ADELSON: If I could answer something quickly related to four talking about documentation.

One of the things that I don't recall who said this and a conversation about communities of interest last week.

Is that they are not covered or they are not under the Voting Rights Act.

That's incorrect.

The entire State of Michigan is covered by the Voting Rights Act.

The extent the Voting Rights Act applies of course will differ around the state.

But since communities of interest are such a significant priority as your hearing participants have noted and as you all have noted in the meetings that I've watched, I'd like some information which will I'm sure we will get later from Kim about particularly communities of interest and there effect on minority populations.

So if for example you include an overwhelmingly white community with minority communities, does that dilute voting strength? Does that -- is that discriminatory? So that is something that with documentation I would like more in depth analysis, demographic info about the announced communities of interest.

And certainly the communities that you all are prioritizing to see how that impacts the Voting Rights Act and also how that may impact the one person, one vote requirements.

>> COMMISSIONER WITJES: Commissioner Clark?

>> COMMISSIONER CLARK: Yes, I've got one last comment on documentation.

I think we've got a good sense on how Lisa documents her work and Bruce documents his and how EDS documents theirs.

But I don't have a good sense on how we are going to document our stuff.

What template we will use and who is going to do the documentation as we go through this.

I think we need to define it as part of the process.

And my recommendation is that we do have a template.

My recommendation is that we utilize the staff for the State of Michigan to do the documentation.

So that the 13 Commissioners can concentrate on the work that is being done to redistrict.

I'd like to get some comments from some of the Commissioners on that.

>> COMMISSIONER WITJES: Are you saying like, well.

>> COMMISSIONER CLARK: Let's say we make some decisions and we want to move the Township from point A to point B from this District to this District, what's our rationale for doing that? Why are we doing that? We need to document that at some point in time because Bruce is not documenting it and I don't believe Lisa is documenting that.

They are documenting their analysis of that move.

So but we've made a decision to make that move based on certain criteria and we need to have that document.

>> COMMISSIONER WITJES: So I guess my question, my kind of question to that, Doug, would be if we are working in the software and everything is time stamped and everything is being recorded wouldn't our rationale be recorded because we are talking about the particular thing in the public record?

>> COMMISSIONER CLARK: The rationale is I'm just going to make this up we don't have enough Bangladesh people in this area and we want to move this Township over to that other District, make that happen.

Now where is that documented? Bruce didn't document that.

Lisa did not document that.

EDS did not necessarily document it.

They may have documented that we moved that Township from point A to point B but not the reason why we did that.

>> COMMISSIONER WITJES: Wouldn't the reasoning be able to be cross referenced to the time stamp to what we did in the mapping software to the actual recording of our meeting that is going to be publicly available so we can go in and take a look and listen to the rationale we have been making and have it written down?

>> COMMISSIONER CLARK: Yes, written down.

If you don't write it down, then let's say you get in a Court case what are we going to do show YouTube videos for three weeks? Until we find that point in time?

>> COMMISSIONER WITJES: Maybe.

>> COMMISSIONER CLARK: This is a hypothetical example.

Yeah, but that's my point on this, that we need to have a mechanism on our side as well.

So we got a four-legged stool we have us, EDS, Bruce and Lisa documenting things.

>> COMMISSIONER WITJES: General Counsel, thoughts?

>> MS. JULIANNE PASTULA: Thank you very much Mr. Chair.

And yes, people can always avail themselves of the videos which are found at www.Michigan.gov/MICRC but also the Secretary of State's site.

But I believe that was one of the suggestions Mr. Morgan made if I recall because I know Kim will correct me if I misstate.

But having that working resolution in draft form, that memorialized those changes for action or whatever the Commission ultimately decides to act only as far as those changes, but that the actual moving of the lines would be fluid and dynamic and not perforated or punctuated with multiple votes.

It was more capturing the intent and the reasoning so that the Commission could then make their decisions is my recollection.

Thank you.

>> COMMISSIONER WITJES: I will say something to that I want to say that you are correct, Julianne.

It did mention that I believe Mr. Morgan mentioned that it's not the importance of documenting every tiny little change you are making in the software is not necessarily needed until you actually decide on the final change as to why you made this change and then document that; is that correct?

>> MS. JULIANNE PASTULA: Correct.

And my understanding was that that would all be tracked.

And as I recall it was Mr. Morgan as well that I noted had made that recommendation.

So I think there are tools during the process that can be used, again, by staff and consultants and individuals supporting the Commission's work that would capture the data, the data and the rationale necessary during your process.

>> COMMISSIONER WITJES: Mr. Brace?

>> KIM BRACE: Yes, I think Julianne is correct from that side.

John did mention that.

I think what you're really looking at is documenting major efforts, major decision makings.

Maybe Doug saying we need to move this Township over into this area and that kind of moved the direction of the plan ultimately in that shape, on that side.

So documenting that sort of thing.

And it, you know, ultimately, I'm thinking like from I'm not a lawyer, but expert witness and you know, getting transcripts which you do have and doing keyword indexes of those.

So that you know any time we see the word decision or whatever keyword we want to say at that point in time, that kind of gets documented then at least in terms of the transcript so that we don't have to tell the Court to watch three weeks' worth of YouTubes on that side.

>> MR. BRUCE ADELSON: If I could add a little bit to that.

I agree, I think the most relevant changes to document are when you are at your draft stage, go out, public comment and if you make changes before your final map is created and approved, clearly those changes are going to be quite significant.

But I would add too Kim had mentioned major changes.

I think as you know it's a very fluid process.

There are going to be all kinds of things that are going on that in real time that may change the flow, change the way you know you are thinking about approaching things.

One of the issues can be too if there are major changes that I think are major changes, I will tell you that I think this is a major change.

And I would recommend that you document them.

And one of the things they did in Arizona, they called those changes change orders so they would stand out in the record.

So if they made changes from draft to final particularly with VRA or constitutional implications they called them change orders, they stood out and do you know what in our litigations the courts looked at those orders.

Because in the briefing the attorneys all steered the Court to look there as they were good summaries of why the Commission did what it did, what their rationales were, and if there was an under population or some consideration based on race to comply with the Voting Rights Act is all there.

But I think that again in looking at there being some fluidity here if there are changes that are major certainly Julianne and I will talk about them.

We will highlight them.

And then you can create whatever you feel is appropriate to document why you did what you did.

Because you also have to keep in mind if there are lawsuits alleging intentional discrimination, lawsuits alleging a pattern or practice of behavior, the Plaintiff will want to look at more of course than what you did in the few weeks between draft and final. And that's why I'm suggesting there may be other changes than those that are made at the end that I would recommend documenting.

>> COMMISSIONER CLARK: That is documenting on our side?

>> MR. BRUCE ADELSON: Yes, as you said Commissioner Clark you are the ones making the changes.

>> COMMISSIONER CLARK: Yes.

>> MR. BRUCE ADELSON: Me saying the Commission did XY and Z is not only dispositive but it's something no Court will put a lot of value on.

>> COMMISSIONER CLARK: Correct that is why I brought up that we need our own template on how we are going to do this and who is going to do it on our side and I fully support the major change.

Not every change.

I think and as long as you're going to cue us on what a major change is, I'm fine with that.

>> MR. BRUCE ADELSON: Sure.

>> COMMISSIONER CLARK: Because you are going to be in all these meetings anyway.

I'm good with that.

I mean, I relate this back to my software development days.

We had a system and any time we made a change there was a change request and approved and documented on why we made it and what we did and we had a mechanism to back off as part of that too.

Which we have with EDS software.

We can back off and so forth so that is already built in.

Okay so I want to go back to my original question, Dustin.

I feel we need a template and I feel that needs to be developed and for documentation and we need to determine what the repository is and who is going to actually do that documentation and I don't think it should be one of the Commissioners doing the documentation.

>> COMMISSIONER WITJES: No, either a consultant or the Secretary of State I would imagine or the Department of State.

>> COMMISSIONER CLARK: Or a staff, yes, I think that would be relevant too.

>> COMMISSIONER CLARK: But they got to get it in enough detail on what that change was that is all.

>> COMMISSIONER WITJES: I wanted to clarify something because you said making major changes after draft to final maps.

We are not going to have to be documenting everything with change and rationale that we are changing while we're producing our draft maps, are we?

>> MR. BRUCE ADELSON: No as Commissioner Clark was suggesting, there may be like if you decide to reduce a majority minority District from majority minority to 20% minority and there is discussion of that early on, I suggest there be some documentation of that.

But to your point there are a lot of districts in Michigan where the Voting Rights Act really won't come into play.

So the documentation is more along the lines of later in the process.

And I think that your emphasis on later in the process is very well put and important. Because you're right you're not going to want to create a substantial memo for every change.

I mean we are talking dozens if not hundreds of potential changes.

>> COMMISSIONER WITJES: Director Hammersmith?

>> MS. SUANN HAMMERSMITH: Yes, I just wanted to confirm that between your staff and between MDOS staff we certainly will keep track of any major decisions for the record, the minutes would reflect those.

We can also create a series of resolutions or whatever the Commission feels they need in order to document the major changes that will happen.

>> COMMISSIONER WITJES: Anything further?

>> COMMISSIONER CLARK: I would suggest that the changes be kept separate from the minutes, the minutes may reference them but that they be on separate piece of paper, cataloged somehow in a specific, discrete, not discrete but a specific, dedicated repository.

>> COMMISSIONER WITJES: Makes sense.

>> COMMISSIONER CLARK: Yeah.

>> COMMISSIONER WITJES: Anything else with the question four for documentation, or no?

>> COMMISSIONER CLARK: Can we put that forward as a motion that this is how we are going to handle it and the recommendation and we are going back to the Commission with?

>> COMMISSIONER WITJES: If you want to make a motion go ahead.

>> COMMISSIONER CLARK: .

I do I will make a motion that the Commission will document major changes and that documentation will be done by the staff during the meetings separate from the meeting minutes and put in a separate repository for future use.

>> COMMISSIONER WITJES: Is there a second? I don't know if I'm an allowed to second anything.

Julianne, am I allowed to as Chair? Second something?

>> MS. JULIANNE PASTULA: Yes, Mr. Chair.

You are a full member of the committee.

>> COMMISSIONER WITJES: Got it I will second that motion.

Okay so motion on the floor has been seconded that the Commission document major changes and those changes are documented by staff and the Secretary of State. And they are going to be separate from the meeting minutes and stored in a separate repository.

Is there any discussion on the motion? Seeing none.

>> COMMISSIONER EID: Rhonda has her hand up.

>> COMMISSIONER WITJES: I'm sorry, Rhonda, my bad.

>> COMMISSIONER LANGE: I just want to say does that really warrant a motion? I mean there is a lot of motions for recommendations, but does it really warrant a motion? I mean it seems pretty basic.

>> COMMISSIONER CLARK: The reason I put it as a motion to ensure that it got on the list of things that we are going to recommend back to the Commission.

We don't need to if you don't want to.

As long as it's on the list.

>> COMMISSIONER LANGE: I'm just asking the question.

>> COMMISSIONER CLARK: I was just following Roberts rules.

That's all.

>> COMMISSIONER WITJES: We are trying our best.

>> COMMISSIONER CLARK: We are trying our best.

>> COMMISSIONER WITJES: Any further discussion on the motion?

>> COMMISSIONER EID: I would just say we might as a Commission want to approve that document and like the same manner that we approve the minutes or something like that.

What are your thoughts on that?

>> COMMISSIONER CLARK: I think what we are doing is approving the change to the District and that then, well, I'm going to rephrase everything, yeah, I think we should because we have to make sure the verbiage is correct.

I think that is a good point.

>> COMMISSIONER WITJES: Well again this is just for recommendation anyway of something to bring back.

We are all going to have to discuss these things anyway of how we want to do it.

It's just a way to facilitate this is what we discuss and is important so all 13 of us we are not dragging on for hours and hours and hours.

>> COMMISSIONER CLARK: Correct.

>> COMMISSIONER WITJES: Any further discussion on the motion? Seeing none, we will vote on the motion, again the motion is that the Commission retains

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documentation of major changes and those changes are recorded by staff as well as the Department of State and those records will be separate from the meeting minutes and stored in a separate repository.

All in favor of the recommendation please raise your right hand and say aye.

>> Aye.

>> COMMISSIONER WITJES: All opposed same sign and say nay.

Motion carries unanimously.

Any other questions in regards to question four in regards to documentation? General Counsel?

>> MS. JULIANNE PASTULA: Thank you, Mr. Chair.

Just very briefly.

Just to clarify for the benefit of the public.

The record that the official record of the Commission held by the Secretary of State's office is nonvoting secretary to the Commission, that is the only repository, so the separate repository would just be a heading or a separate Section, I just wanted to make sure that everyone was aware that there is only one official record for the Commission.

So everything that the Commission does will be part of that one repository.

That can be subdivided.

But there won't be anywhere separate that the public would need to go thank you.

>> COMMISSIONER WITJES: I guess what I took that as on a separate piece of paper so that the minutes and these changes are not on the same piece of paper that gets filed.

>> COMMISSIONER CLARK: Correct and putting them this a separate directory on.

>> MS. JULIANNE PASTULA: Perfect.

>> COMMISSIONER CLARK: On the website or wherever that repository is that is fine.

As long as it's segregated from the rest of the stuff in some manner.

>> MS. JULIANNE PASTULA: Correct I just wanted to make sure the public did not think there was going to be some separate repository being held.

It's all on the Commissioner's website and will continue to be.

So okay thank you.

>> COMMISSIONER WITJES: Anything else in regards to question four? For the VRA legal counsel? All right, well, seeing none since we have been at it for about two hours now, I feel like we should be able to take a good ten-minute breather at this particular point.

If anyone wants to make that motion.

>> COMMISSIONER CLARK: Yes, I make the motion Dustin to take a ten minute break.

>> COMMISSIONER WITJES: I will second that motion, is there this any discussion on the motion? Seeing none all in favor of taking a quick ten minute break would you raise your right hand and say aye?

>> Aye.

>> COMMISSIONER WITJES: All opposed same sign.

Okay we will stand in recess actually we are adjourned at recess, sorry, at 10:56.

We will stand in recess until 11:06 a.m.

[Recess]

>> COMMISSIONER WITJES: All right as Chair of the process committee for the MICRC I call this meeting back to order at 11:06 a.m. I do want to correct the record before we went on break, I said we will be on break until 11: 06 p.m. and I plan on sleeping at that time so I meant to say 11:06 a.m. at this time will Michigan department of staff please call the roll.

>> MS. SARAH REINHARDT: Hello Commissioners I'm happy to I will start with actually, sorry, Commissioners please say present when I call your name, and please disclose the area that you are attending the meeting remotely from stating the county Township village and the state from which you are attending the meeting I will start with Doug Clark.

>> COMMISSIONER CLARK: Present, I'm attending the meeting remotely from Rochester Hills Michigan czar.

>> COMMISSIONER EID: I'm remotely attending from Detroit Michigan.

>> MS. SARAH REINHARDT: Rhonda Lange?

>> COMMISSIONER LANGE: Present, attending remotely from Reed City Michigan.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: Present, attending remotely from Howell Michigan.

>> MS. SARAH REINHARDT: All Commissioners are present.

>> COMMISSIONER WITJES: Thanks Sarah, so I'll pull the agenda up here real quick so I can get a feel for where we are at.

We are still on new business A which is for questions and factfinding and we went through the VRA questions at this particular point in time.

There are some other questions in our list if anyone has any one of those, they would like to ask feel free to do so.

Mr. Brace?

>> KIM BRACE: Yes, I wanted to point out up above the VRA in the regarding mapping, question number six is it possible to include an overlay of historically red lined municipalities when we draw the maps? And my question would be is what is the source of that data? We can use you know we can overlay just like communities of interest but do we have a good source of where red lining occurred?

>> COMMISSIONER WITJES: As opposed to people's opinions I would imagine.

>> KIM BRACE: Right.

>> COMMISSIONER WITJES: I don't know the answer to that question.

I don't know.

>> KIM BRACE: I don't know the answer to that either that is why I'm raising the question.

>> COMMISSIONER WITJES: I don't know if Bruce is back yet.

He may have an idea or Dr. Handley may have an idea.

>> MR. BRUCE ADELSON: Now you can hear me.

A lot of states have really good data that might be responsive to this state produced data.

Offhand I don't know what data Michigan has.

But I mean I agree with Kim about the question is the relevance of the data.

Not the relevance the source of the data.

Because the data itself could be very important, having an understanding of the history of discrimination in Michigan.

So my suggestion is state produced data if it exists.

>> COMMISSIONER WITJES: Does that somewhat answer your question? That is the best answer I could give you.

>> KIM BRACE: I guess my question would be is it something that staff could investigate by inquiring other people in the state?

>> COMMISSIONER WITJES: Dr. Hammersmith? General Counsel, any thoughts? Or Sarah any thoughts? Director Hammersmith?

>> MS. SUANN HAMMERSMITH: This was a question raised by MC so I will get back with him and talk to him to see if he knows of any data source, but certainly if there isn't any collected by the State of Michigan, I think it would be hard to include it. But he did want that question included.

>> COMMISSIONER WITJES: Okay, so here is my question that I was going to ask and it's in regards to process.

I don't know if we touched on it on Friday or not.

But kind of now that we have everybody here and the general time requirement.

Both or all three of your professional opinions, how long do you think it's going to take us to draw the 161 total districts? Keeping in mind that we're going to have to be sending data and information back and forth between everybody in regards to this. If you had to take a guess how many hours would this take? Or days or if that is easier?

>> KIM BRACE: Unfortunately, in all likelihood, it will take more time than you anticipate and you'll have less time to do it in.

Unfortunately, a common rule in redistricting on that side.

>> MR. BRUCE ADELSON: And I would add to that that, you know, in my experience in redistricting we've had a lot of weekend meetings like all day meetings. And into the evening.

Not every day certainly but we had several of them certainly in Arizona and we didn't have 161 districts.

You will have among your districts as I said earlier a lot of your districts are going to have not much Voting Rights Act issues to deal with.

Now of course every District fits with another into the great jig saw puzzle of the state. So making changes in one may well impact changes in another.

But for me, the Voting Rights Act area districts are relatively concentrated in various parts of the state.

So it should be relatively easy to draw certain districts whether they are in the UP or rural District in northwestern Michigan where Voting Rights Act is issues really don't come into play as much as in Wayne County.

For example, and I know that is something that in my redistricting experience we have always tried to do first the districts that we imagined would be the easiest to do as far as the amount of work expended.

But of analysis.

And you do have parts of the state where to me I think that could well be true.

>> COMMISSIONER WITJES: So now follow-up question based on, again, expertise of everyone here.

Do you know of any ways that we could possibly increase efficiency?

>> MR. BRUCE ADELSON: Well, you know, I think that I mean that is always one of the key questions but I think that frankly is a function of how you all work together, what your -- the way you do business and as you proceed there are going to be areas of disagreement.

There are going to be areas that I'm sure and I don't mean geographic areas.

I just mean issues that some people feel more strongly about than others.

How you deal with them is really a function of you know administration almost.

I'm very confident that you know as we have talked about before from my perspective you know you have with Kim and Lisa there, you know they really, they really know their stuff.

And you know I've been familiar with the work that Lisa has done since I started doing this 21 years ago.

So I'm very confident in being able to move quickly.

But I don't know that there is a specific way that you could speed up the work generally. And I'm certainly not going to presume to say, you know, how, what specific efficiencies to look at.

But I think that that's also part of the reason that I wanted to come out and talk to you.

That just getting, having a sense of how, what priorities you all have.

How willing are people to, you know, have those until 10:00 meetings on Saturday night? That could be part of the process.

>> KIM BRACE: I guess I would probably make a couple of recommendations or suggestions.

You first of all need to become comfortable with the software and the map drawer.

And work out how that could operate.

How you become comfortable.

That's probably done by either kind of a preliminary test plan for a given area, region or something like that.

Those kind of concepts could be played with.

What we envision the way that we've set up a team is that we really have three people that could be map drawers.

John, Ken T and myself as the main map drawers on my side.

The question is from your guys side, in theory we could end up running three sessions at any point in time.

You know, three different regions or, you know, groupings or whatever.

I don't know that I necessarily want to do that on an ongoing, nonstop until 10:00 at night kind of basis.

But be cognizant of wearing out all the staff also on that side.

But, you know, that kind of an overview kind of thing might help you a little bit in terms of how you would want to ultimately structure.

I do get back to that regional kind of thing.

And it may be that, you know, you end up getting everybody involved in this test drawing.

So that everybody becomes comfortable once they have, you know, been trained by Fred on the 8th if that is what we are going to do.

Then we have a meeting to of everybody to you know draw a test area and see how you guys could work together, that sort of thing.

Without getting specifics in terms of one particular we got to be concerned about Kim Brace's area or whatever the case may be.

But just get some overview concepts for you to -- for everybody to feel comfortable with, with all Commission members, just an idea.

>> COMMISSIONER WITJES: Any other questions?

>> MR. BRUCE ADELSON: Picking up on what Kim said that is one of the reasons I suggested mock redistricting.

I'm sure that is similar to what Kim is talking about.

I think that can be help helpful and familiarizing everyone with the software, the technology, but also, I think as Commissioner Clark said earlier what happens if we do move this Township over here? What are the consequences of that? I think that has a great potential.

And frankly probability to move the process along because everybody will just be more familiar with your tools if you have a task, do a mock before labor day.

>> COMMISSIONER WITJES: Any other questions from any of the Commissioners from our list or anything you have thought of to either Mr. Brace, Dr. Handley or Bruce Adelson? Commissioner Clark?

>> COMMISSIONER CLARK: Yes, I'd like to go back to one of the decisions that we made for a recommendation to the Commission, and that is relative to the JURGs and the recommendation we have on record, is that the Commission determine the regions and take a regional approach starting with the State Senate maps. I'm okay with the second half.

But the first part, I think what we should do is present back to them the JURGs that EDS presented to us in one of their presentations.

And ask the Commission if that is acceptable or if they want to modify it.

Instead of starting off with a blank piece of paper.

>> COMMISSIONER WITJES: Hold off on that question until we get to 5B for our committee discussion.

>> COMMISSIONER CLARK: Okay fine.

>> COMMISSIONER WITJES: That is right in the first Section of that.

>> COMMISSIONER CLARK: Okay fine.

>> COMMISSIONER WITJES: At this particular point I'm wondering if there are any particular question from the list or anything popped in your head that is not on there at this particular point? Mr. Brace?

>> KIM BRACE: I guess following up on what Commissioner Clark said, maybe the first exercise that we have everybody involved with is to create your own JURGs or your own regions and let's have that as an exercise for everybody in how you think in terms of the state and how you do regions.

And that, you know, we can draw them.

We can do different things with them on the screen.

Show what's the populations, what the racial groups are, that sort of thing.

So that that becomes a part way meaningful exercise of showing what can be done.

But getting to ultimate goal of hey, these are areas that ultimately, we would want to potentially draw in because we are thinking in terms of regions.

So let's get everybody involved with how do you think, you know, where do you think the thumb region is? How far down does it go? How far west does it go? You know, and let give and take happen from that side.

>> COMMISSIONER CLARK: You're saying use that as a collaborative exercise to get the people working together?

>> KIM BRACE: Sure, yes.

>> COMMISSIONER WITJES: Hold on.

>> COMMISSIONER CLARK: Okay.

>> COMMISSIONER WITJES: Let me get back to the part A of the business agenda here real quick so if there are not questions to follow Roberts rules without objection, we can move to 5B our committee discussion.

Okay seeing none now we are in our committee discussion part of the agenda where we go over the review process and continue development and recommendations.

One time the committee discussions on mapping.

And this is where we are at, at this particular point in the discussion of how we are going to handle JURGs if we are drawing our own region so on and so forth so just so that the record remains clear that we stay somewhat on track and I'm bouncing all over the place.

General Counsel?

>> MS. JULIANNE PASTULA: Thank you, Mr. Chair.

So just for clarification, I'm trying to understand Commissioner Clark is wanting to send a different recommendation to the Commission? Or that the goal is that when the Commission takes up the current recommendation that was made that this fuller conversation and the options will be explored?

>> COMMISSIONER CLARK: Can I respond to that Dustin?

>> COMMISSIONER WITJES: Yes, go ahead.

>> COMMISSIONER CLARK: Originally when I mentioned it, I was going to be additional recommendation or a change in the recommendation.

But based on what Kim said, it may be a better approach which will mean that the Commission determines the regions.

It's just how what process we go through to do that.

You know and which he recommends like a planning exercise to get us to work together and to discuss the state as a whole.

I'm fine with that too.

I just think we should clarify it in the recommendation that that's how we are going to or how we would recommend approaching it.

>> COMMISSIONER WITJES: Well they are all just recommendations so this will all be brought up any way and discussed so it's not anything that is set in stone.

>> COMMISSIONER CLARK: Correct so I think what Kim mentioned is probably a better approach, yeah.

>> COMMISSIONER WITJES: Okay.

>> COMMISSIONER EID: I like framing it as more of a team building exercise.

We can spend a little time doing that and in dividends down the line.

>> COMMISSIONER WITJES: Plus at that particular point we would be able to start to we will be able to figure out how well we work together in regards to actually drawing the lines.

And I assume we are going to be just fine.

But how we will handle differences when we are actually doing it.

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>> COMMISSIONER CLARK: Gets us used to the software a little bit too.

>> COMMISSIONER WITJES: Correct.

>> COMMISSIONER CLARK: Maybe we can rephrase the recommendation that is how we are going to approach it with the Commission.

>> COMMISSIONER WITJES: General Counsel Pastula, does that require a motion or do we need to rephrase it?

>> MS. JULIANNE PASTULA: If you change the recommendation yes you have to formally change the recommendation but again, I think that it sounds what I'm hearing is that the committee would like to have that fuller discussion with the Commission so the recommendation as is might be appropriate to go forward.

>> COMMISSIONER WITJES: That's my understanding.

>> COMMISSIONER CLARK: Yes, it's just a matter of how we do it once we get to the Commission.

>> MS. JULIANNE PASTULA: And that can be coordinated or incorporated into the decisions on mapping chart even if just at the end where the Executive Director is noting other considerations.

That would be my recommendation.

Thank you.

>> COMMISSIONER CLARK: Okay.

>> COMMISSIONER WITJES: Most of these, I'm just noticing most of the committee discussion things under 5B on the agenda we talked about on Friday.

With us or with all of us here.

Am I correct this that? Does anyone see anything in that particular list that we have not covered that you would like to cover? Because I'm going over this and I'm seeing like the communities of interest thing, that was a recommendation we talked with everybody about how we will rank them.

The where to start from scratch, the JURG as a criteria so on and so forth.

That is part of what you just said as well as the community of interest discussion.

Documentation was handled.

Regional approaches I think is a suggestion that we already a recommendation that we already put forward.

And the mapping process to be most efficient and effective I suppose we didn't touch on but that also goes into part three and I'm assuming your flow chart as well, Doug.

>> COMMISSIONER CLARK: Correct can I back up to one item you talked about communities of interest.

>> COMMISSIONER WITJES: One second let me get Commissioner Lange first.

>> COMMISSIONER CLARK: Yes, please do.

>> COMMISSIONER WITJES: Good, okay? Commissioner Clark?

>> COMMISSIONER CLARK: Could you refresh my memory on or all our memories on what we decided with communities of interest?

>> COMMISSIONER WITJES: Well, so what the communities of interest, the way I remember it is we were going to try talking about how we were going rank or discuss communities of interest, Rhonda I believe brought this up.

And what it came down to was I think I said it is census is so high on our list of criteria I feel like it would be more appropriate to have the full Commission be present when we discuss how we're going to rank and decide communities of interest and how we are going to go over our notes to what ranks higher than others and how we are doing this and that the other thing when it comes to community of interest ranking.

>> COMMISSIONER CLARK: I want to go back to that discussion.

I would almost think because there are so many comments and so much data relative to communities of interest in the state, that once we set up these JURGs we set up a regional specialist.

One of the Commissioners, that can deep dive into the communities of interest for that region.

And understand it.

So let's say there is nine regions.

You just cut my work from nine regions down to one.

So I got one night amount of work to really fully understand something.

>> COMMISSIONER WITJES: Commissioner Lange? I will give my thoughts after that.

>> COMMISSIONER CLARK: Okay.

>> COMMISSIONER LANGE: I was going to stress a point. You are right saying we will take it to the full Commission because it is a...

>> COMMISSIONER WITJES: It's so important.

>> COMMISSIONER LANGE: Needs to be discussed with the full Commission. And I also want to parrot what Julianne said. It's not that we are ranking them. And I know I used that term last week too.

Inappropriate term.

It's just too how do we place them and take into consideration everybody's.

So I'm trying to use the proper not ranking so just want to throw that out there that I do listen to you, Julianne.

>> COMMISSIONER WITJES: That's what I meant.

So the other thing is that again this would have to go back to the entire Commission discussion of how we are going to work with communities of interest, not necessarily rank them, see I'm paying attention.

But I don't think, and again we can talk this over when we have this discussion with everyone, but one Commissioner being in charge of one particular region and working with communities of interest I feel that is going to cause some kind of headache because one person's analysis of what they think the community of interest would be or communities of interest in one particular region could be vastly different than what let's

say you would think or I would think or Commissioner Lange would think, Commissioner you would think, we all have our own different opinions.

So if one person were to go and do a deep dive and say this is how I think it would be, it's going to cause more scrutiny and everyone will have to look at it and we will be back at square one.

But if we were to look at take one particular region at a time and work together on it and co-M to a consensus of the communities of interest then that may be a better approach. I don't know.

This is something again that we have to in my opinion we all have to discuss with everybody present.

Commissioner Clark?

>> COMMISSIONER CLARK: Yes, okay, I just asked to refresh my memory on what we decide and why we decided that.

When I looked at a regional expert, I looked at it from the point of view they would recommend things, they wouldn't be the soul person that says this is it for this region. You know, and then other people could chime in during the discussion.

But anyway, there is different approaches we can take and, yeah, our decision was to go back to the Commission and decide how to approach that.

So okay, thank you.

>> COMMISSIONER WITJES: Commissioner Eid?

>> COMMISSIONER EID: I'd like to hear from some of our experts here on experiences they would have on the topic of making sure that all of the different communities of interest are heard and in some way especially when you might have community interests with some of them.

>> COMMISSIONER WITJES: Mr. Brace?

>> COMMISSIONER EID: Any more on that topic?

>> KIM BRACE: I was thinking along the same lines and I will give you some ideas on that side.

We have been talking with Moon in terms of getting feed or files from her. and there's really two components.

One is a shape file showing the different communities of interest that have been drawn - - let's say we get them by region from a her -- so that they would be on the screen probably as different colored overlays and outlines in terms of those.

They would be identified and tied back to a file number that is in her database.

So that gives us from a mapping stipulate an overlay of a bunch of stuff.

So while that is visible on the screen, what really probably would need to be done or thought about is in getting back to this idea of the specialist for that region, you could then as that specialist for that region, you could spend the additional time to read through all those comments, read through all those pieces that have been identified by the number that we have from that shape file that we're getting from Moon so that you

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have a way of going back and getting a little bit more in depth and a little bit more discovery of what people were saying so that you could end up starting the discussion in your region as the Specialist in the region, not necessarily saying this is the best one or whatever.

But at least you've got to -- you've spent the time to look in depth at these is what my thought would be.

>> BRUCE ADELSON: And I would add from a legal perspective, it's going to what we were talking about earlier is that the communities of interest may have, depending on the District, the area, the composition may have a discriminatory impact or a deluded impact and that depends on where they are and the constituency of each area.

There are several comments I had heard.

I know several people had mentioned an entire County of a Community of Interest.

I disagree with that.

I don't think an entire County can be a Community of Interest, particularly depending on the population of the County and the size of the County and where it is.

I think there are these factors, however you decide to approach this that musting evaluated and included.

It can be parking lot of the legal conversation we have but I think everyone being on the same page of what is a Community of Interest, as well as also there are specific legal ramifications of defining something as a Community of Interest and I would add, too, that since the -- paragraph C in the Constitution that the sentence is diverse population and communities of interest.

So how does that work together? How do you interpret both? How are they both applied? So my ongoing concerns are tend to be legal and this is one of them.

>> COMMISSIONER WITJES: Doug?

>> COMMISSIONER CLARK: You answered my question and we're going to bring it to the Commission and discuss the various options and move forward with it and hopefully we'll have Bruce and Kim on the line to make comments relative to what we talked about.

Thank you.

>> COMMISSIONER WITJES: Commissioner Lange?

>> COMMISSIONER LANGE: I have a different topic.

>> COMMISSIONER WITJES: Go ahead Hank, I thought about this all weekend long and I read the Constitution over and over again.

There's nothing in the Constitution that says we need to have one map and I stressed this last week about fairness and maybe we need to define what our opinion of fairness is.

I'm looking at comments that have been given, all different comment from all spectrums. Some say start with fresh maps; some say keep the maps the way they are.

If I were to make a motion it would be to come up with two maps -- one that comes up with fresh and one that gets rid of the gerrymandering -- upon seeing those opinions of either side could change and I think it would be more fair of us if we did it that route and that's just my opinion.

I wanted to get that out there because I thought on it all weekend because I'm trying to be as fair as possible.

And I see a hand.

>> COMMISSIONER WITJES: I was going to -- Doug, before I call on you, you're saying, you're saying one map each for the Senate, House and Congress using both methods.

>> COMMISSIONER LANGE: Correct one of each and give it to the possible to review.

>> COMMISSIONER WITJES: Got it and we all can work on our own too, correct.

>> COMMISSIONER LANGE: Correct.

>> COMMISSIONER WITJES: We can submit up to one for drafting purposes.

>> COMMISSIONER LANGE: I've always said walking the middle line and not necessarily making everybody happy but doing what everybody can live with and I think if you give both sides of the conversation the ability to see what it would look like, at least we're attempting to work for everybody and I think they will appreciate and that's just my opinion.

>> COMMISSIONER WITJES: Commissioner Clark?

>> COMMISSIONER CLARK: Let me make this opinion first and then I have another one.

We voted it should be started from scratch, but looking at existing data as well for comparison purposes and it's a matter of whether we define comparison purposes and whether we create a whole separate map or look at the existing one and compare it to the one we started from scratch or -- it could go either way.

The only problem I have with what Rhonda just mentioned -- I mean, I would support it if we have the time -- but do we have the time to do two complete sets? Rather than do the one set like we talked about from scratch and compare it to the existing map which I think is from a time perspective and efficiency perspective is probably a better approach.

>> COMMISSIONER WITJES: , again, as far as recommendations go, I don't see the harm in bringing this up to all of us again in saying that we have the recommendations it start from scratch, but we also thought about doing it way per public perception and both directions.

I have a feeling of doing it from the current position is going to go a lot quicker than starting from scratch anyway.

Rhonda, go ahead.

I'm on the fence about this one.

>> COMMISSIONER LANGE: I'm going to put forth the motion then -- I don't know, Julianne -- does that mean amending the motion put forward on Friday or do I make a separate motion? Pass that motion has already been voted on and settled so this would be a new motion that, if adopted, would modify or nullify the action taken at the first committee meeting.

Is that clear?

>> COMMISSIONER LANGE: Clear.

Then I would like to move that we recommend to the full committee that we do two sets of maps.

One map with the starting of the lines and one map with the original line and adjusting them for communities of interest and obviously gerrymander places.

>> COMMISSIONER WITJES: In addition to what we basically said for -- is it nullifying or replacing or both?

>> COMMISSIONER LANGE: Julianne just said that it would replace, I believe. Isn't that what you just said? I'm fine with in addition but if this one replaces the other, I don't know how --

>> GENERAL COUNSEL, JULIANNE PASTULA: I apologize.

Please finish.

>> COMMISSIONER LANGE: I'm finished.

I need to hear from you.

>> GENERAL COUNSEL, JULIANNE PASTULA: I think the action taken in the first committee meeting was that the maps would all be started from scratch so this would definitely supersede and replace that original action.

The original action was all maps be started from scratch and then the existing data would be looked at -- the existing lines and have a comparison based on that.

That was the motion adopted at the last meeting.

This would be a substantial difference from that original recommendation to the Commission.

What the committee could do is have alternate options.

This could be a second recommendation or alternate recommendation put forward to the committee.

That could be another way this is approaches. An alternate recommendation.

Thank you.

>> COMMISSIONER LANGE: I'll put the motion as an alternate recommendation declared by that, I will second that motion.

Any discussion on the motion to have an additional recommendation to draw two sets of maps, one starting from fresh and one map using original lines and drawing for communities of interest and obvious gerrymandering.

We'll vote on the recommendation -- one set of maps starting from fresh and one set of maps using original lines and adjusting them for communities of interest and obvious gerrymandering.

All in favor the motion please raise your hand and say aye.

Aye, all opposed please raise your right hand and say nay.

Two to two, that would be a failure, correct Julianne?

>> GENERAL COUNSEL, JULIANNE PASTULA: That is correct.

That motion fails.

>> COMMISSIONER WITJES: Any further discussion in general before we go into the -- I can't read right now.

Hold on.

Continue to develop options and recommendations for repetitive processes
Commissioner Lange?

>> COMMISSIONER LANGE: Sorry.

No.

I answered my own question.

>> COMMISSIONER WITJES: Anything further, Commissioner Clark? Okay.

So the next part of new business for B3 is the recommendation for repetitive process and I believe this is your flow chart, I would imagine, Doug, because it does go through repetition on how we would handle things.

Do you want to go over that real fast to see what everyone's thoughts are?

>> COMMISSIONER CLARK: I can probably do it in five-minutes, yeah, yeah.

>> COMMISSIONER WITJES: Perfect.

>> COMMISSIONER CLARK: I want to make a comment -- I'm going to share the screen and bring it up.

I want to make a comment that I did this -- hold on, I'm trying to find it on my shared screen.

Here it is.

I did this based on our discussion the other day.

Can everybody see that?

>> COMMISSIONER WITJES: It's small but yeah.

>> COMMISSIONER CLARK: Let me see if I can make it bigger somehow.

I don't know how to do that.

>> COMMISSIONER WITJES: Plus sign right in the middle bar.

>> COMMISSIONER CLARK: I got it.

Yeah.

Is that a little better?

>> COMMISSIONER WITJES: Yeah.

>> COMMISSIONER CLARK: Okay I did this based on our conversation the other say and there are a couple of areas --

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>> COMMISSIONER WITJES: Hold on one second, Commissioner Clark.
Ms. Reinhardt? Rhine apologizes for the interruption Commissioner Clark.
I want to specify that while the agenda lists the concluding time as 12:00 p.m., this meeting is noticed for a final time of 2:00 p.m. for today.

>> COMMISSIONER WITJES: Thank you for that.
Go ahead and continue, Commissioner Clark.

>> COMMISSIONER CLARK: This is based off our conversation -- I think it was Friday.

And, um, it was a previous flow chart that I know Kim had saw and Bruce saw and all you saw that I think you should disregard because this is a little different.

I used Vizio and one of the techniques they have in there.

A lot of these decisions have been made.

We start the process off -- oh, let me say one other thing.

This thing is really repetitive.

We finish a region and go back to the start.

We decide to quit a region and go back to the start and so forth so it's never ending until we get done.

We as a Commission select Congress, State Senate, or State House to deal with.

This is done generically.

We're going to start with the senate if the Commission agrees.

And eventually go to the State House and the Congressional.

And then select the region that we're going to work with; okay? And then the communities of interest are going to be identified for that region.

And that identification is going to take place a number of ways when one of these has to be adjusted.

The first one, automated COI will be displayed and EOS can do that for that region.

The regional expert needs to be further defined.

We may not use a regional expert.

Discussions for public comments and discussions catalogs and documented and put into a public repository.

We may not want to document it because we've decided to document major events and right now we're in the design face.

Does this meet the racially polarized criteria -- I'm sorry.

Hold on.

Okay.

EDS draws or adjust preliminary District boundaries per Commission guidance.

We do that.

EDS applies COI to District per Commission direction.

That may already be done.

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Discussion documented catalog -- we may decide not to do that because it's a major change and I don't think we've gotten to my changes yet.

And then at that point we move on to another page and start at point A.

Okay.

So let me go down to that.

Okay.

So then we've got the District defined.

We have the COI defined.

Then we ask Dr. Hanley to combine CRC report and recommendation and she does that through an analysis and recommended catalog and put in her document repository. If it meets the racially categorized criteria, we move forward and if it does not, we find out why it's not and for this scenario we put it into the document repository and then go back to C which is C on the first page was we draw the preliminary District and start over again.

If it does, then we go to Bruce and we may do it a different order or Dr. Hanley.

Introduce provide the report and recommendation and he'll document it and keep it in his repository.

Does it meet the VRA criteria? If not, we go back.

We adjust and cycle back through that once we do that adjustment.

So after Bruce's recommendation, we put the District scenario in a repository for consideration.

And so feel it's a good District at this point and it meets the criteria and it may not, we may adjust it and come back to this point -- is the region scenario complete? If it's complete we need to analyze the entire region and make adjustments if necessary and if we concur -- if we don't concur, we go back and start again.

Are all the regions done for the state and the answer is yes then we do a final review of the state map and we'll complete it and if we concur as a group, then we're done.

If not, we go back and start again and make adjustments.

Are all the regions complete? No.

Then we go back to D and D is on the first page and it restarts another region to take another look at so it's a complete repetitive process until we get all the regions done per State Senate and go through the same process for the Congress and the State House.

So that's what I put together based on what we discussed.

So that would be the work process.

I would like to get some comments based on that.

I will leave this up while we talk.

I know everybody is not familiar with flow charts.

And this is pretty detailed, so you may not have comments at this point but that defines how we would work and who is involved at what points and what's the criteria for being completed with a region or District and moving onto the Congress of the State House.

That is one way of documenting it and we could do other ways of documenting it, rather than flow charts.

It's up to Subcommittee's decision on how to do that.

>> COMMISSIONER WITJES: Is there any -- this might be overkill.

Is there anything in here that would have the proper pathway on how to get the information to everybody that needs it for their analysis purposes? Granted, most of it is going to be in the software.

>> COMMISSIONER CLARK: It's going to be in the software.

I thought about it when I was doing this, Dustin.

That's going to be in the software much the data that Lisa or Bruce uses is going to be in the software through their programs and I didn't define that.

Particularly Lisa and Bruce have their own way of analyzing things, so no.

Let memo down here.

EDS draws or adjusts preliminary District bank accounts per Commission guidance.

That's a discussion.

So there's no way to document a discussion and we may say we want to move this here and move this there to the discussions and there's so many variables on how to do this and you can't document it.

I threw this together and I'm open to any way we document the process that we use.

I don't care.

We don't have to use this method but I want to get us off of a blank piece of paper.

>> COMMISSIONER WITJES: It's a good strategy on how to start.

>> COMMISSIONER CLARK: I think so.

Not everybody may.

>> KIM BRACE: I think what Commissioner Doug has outlined is a good starting point.

The only additional piece I would add to it is what Lisa has already talked about and it's kind of getting before -- it's after start and before selecting.

From your standpoint, Lisa is going to do some overall analysis initially and give you some ideas in terms of problem areas within the state or things you need to be cognizant within the state and so that information comes up in the front end.

Then you utilize as you go through the process -- and yes, Doug is right.

Lisa comes in at the tail end also, but I want to make sure people understand that Lisa has got a role initially to give you some kind of overall assessments of where there should be concerned.

>> COMMISSIONER CLARK: Good point.

Is there a significance when they get down to analyzing a District whether Lisa providing input put first or Bruce does?

>> KIM BRACE: I think what you'll end up seeing is that you'll get a feel as you move along that -- okay.

Lisa is more focused on this set of data and as we're drawing, we can have that set of data up there on the spread sheet.

So you'll be able to see as we're drawing; okay, this is Lisa said is one concern and we need to look at these reconstituted election results for this contest in this area and you will be able to see as we bring in a Township or take out a Township or precinct, you'll see that change.

Is it possible to get those changes enough so that in that contest the African American candidate wins, that's kind of an experiment going back and forth in taking a precinct in, putting it out.

Whatever the case may be.

Different scenarios in terms of drawing.

But seeing as you're drawing what are those numbers.

Both in terms of, you know, do we have it over 50% or not in terms of a minority seat, for example.

As well as how does it perform? All of that is what is part of Lisa's analysis but you'll be able to see some of that in real time as we're going through it too.

>> COMMISSIONER CLARK: Yeah.

Okay.

So I appreciate the comments.

Does the flow look okay to you, Kim?

>> KIM BRACE: No, yeah.

Irrelevant thought it was well documented and a good flow on that side.

I just want to make sure Lisa's analysis is up front.

>> COMMISSIONER CLARK: That needs to be added if we go this approach.

>> I think once information is put up on a screen, you know, I'm sure Lisa and I can have a -- certainly from my perspective, a preliminary idea of where you're going and that will change as Kim said, you add this Township or add that Township.

So this is all very fluid and the -- you know, I think the board will realize.

>> BRUCE ADELSON: As you're putting things up on the screen and moving things around, the numbers change and population change and minority changes and perhaps the percentage of voting changes and all of that comes up very fluidly in real time.

>> COMMISSIONER CLARK: This section here where we'd row the adjusted District; okay, then that's followed by whatever Lisa does or whatever you do.

>> BRUCE ADELSON: I think that's true but I want to make the point that I may have something to say earlier than that and I know that.

I know that's a very flexible flow chart and I agree with Kim.

I think it's a good way of approaching it.

But I expect with the Districts that implicate the issues that we've discussed that I can have ongoing thoughts and opinions and suggestions as you move through this flow chart.

>> COMMISSIONER CLARK: Yes, and so what I probably should do is write down here, change this for Commissioner or vendor guidance, really, as we go through this. At any point in time you may want to jump in.

>> BRUCE ADELSON: Exactly.

Yeah, I think that's -- I expect that we would possibly -- we probably would both be so inclined and that's part of the process.

>> COMMISSIONER CLARK: I think so too.

So I think when you get to this point here, when we're having the discussion that would include the vendors as well.

Yeah.

Okay.

>> KIM BRACE: I would add, you know, if that is where we're going, keep that in mind and kind of goes counter to what I said before that we could have three teams running at the same time.

That makes it kind of impossible for Lisa and Bruce to be monitoring these, all three, and three different monitors on their computer or something like that.

So be cognizant of that in terms of time or how you're allocating, you know, when do we work on this region or something like that too.

>> COMMISSIONER CLARK: That's more of a timing issue than a process issue because the process would be the same.

>> KIM BRACE: Right.

>> COMMISSIONER CLARK: Correct.

So yeah so, any ways, I would like to get Rhonda's and Anthony's and Dustin's comments as well.

>> COMMISSIONER WITJES: Go to General Counsel first.

>> GENERAL COUNSEL, JULIANNE PASTULA: Thank you Mr. Chair.

Very, very briefly, I want to note another thing contributing to the dynamic process and iterative process is that you're going to continue to receive public comment and feedback but also new communities of interest as you're engaging in the process.

Again, it's very dynamic.

I don't think anyone is suggesting it's a linear one and done kind of situation.

I want it highlight that you will be continuing to receive public comment and potential communities of interest throughout the process.

Thank you.

>> COMMISSIONER WITJES: Dr. Hanley?

>> COMMISSIONER CLARK: I don't know how to display this other than automating the COI.

>> GENERAL COUNSEL, JULIANNE PASTULA: Commissioner Clark, I think you captured the cycle very clearly in that it's a continuous cycle and loop not only in the region but in all regions.

>> DR. LISA HANDLEY: I can't see it clearly.

This is only part of it.

What I'm wondering if you can't assess a plan for political fairness until you have a whole plan and I didn't see that at the end stage of a plan whether you assessed it for political fairness.

You know, I have the pictures that are up on this diagram.

>> COMMISSIONER CLARK: Let me see if I can get down to the end.

So we'll get down to the end and we've reviewed the final state map.

Is that when he would want to review it for fairness hypothetical?

>> DR. LISA HANDLEY: You can't review a plan for fairness without having all of the Districts in place.

So you wouldn't do it for a region.

Let's say you go to the upper peninsula and do an analysis.

You would need to do an assessment of the plan as a whole.

I mean --

>> COMMISSIONER CLARK: So that would happen after all the regions are complete.

>> DR. LISA HANDLEY: I think so, yes and, again, you would want to think about -- in a lot of countries, partisan fairness is you don't have any political data and you make sure the people drawing the boundaries are civil servants with no political affiliation at all.

But mostly here in the United States, you have to think about how you're going to make sure that you can say that this plan is politically fair.

So that I would add that as a step at the end.

>> COMMISSIONER CLARK: Once we get all the regions done for one segment, segment being Congressional or State House or State Senate, then you would do a fairness assessment.

>> DR. LISA HANDLEY: Using a whole variety of measures.

>> COMMISSIONER CLARK: I can add it.

It's a good appointed.

>> COMMISSIONER EID: I really like this flow chart.

There are a few things that I specifically like about it.

Coming into this, I wanted the goal to be to try to create a process that is repeatable but also leaves room for creativity from the Commissioners to do what we're tasked with doing.

And I think by enlarge it does that.

It's a dynamic flow chart rather than static.

Meaning it's not only one direction.

There are a lot of things that move back on themselves which is exactly the way I think we need to go about it.

So, yeah.

I think this is great.

>> COMMISSIONER CLARK: Go ahead, Kim.

>> COMMISSIONER WITJES: I don't know if the hand is still up from earlier.

>> COMMISSIONER CLARK: Might be.

>> KIM BRACE: Sorry.

That was from earlier.

Let me lower it.

>> COMMISSIONER CLARK: I think the question is, give me some modifications to this, do we want to bring this to the Commission or do we want to use some form of documentation to the process?

>> COMMISSIONER WITJES: I'm a very visual kind of person any way so I'm in all sort -- of favor of something like it to out library a process.

You've did not a very, very, very good job and have hit all the points minus the two we have just discussed.

>> COMMISSIONER CLARK: The beginning and then the end of the process.

Yeah.

>> KIM BRACE: I think the other thing, Dustin, is as you starlight opening this up to more Commissioners' input, you may find some other little changes here or there. But I think it's a good starting point for at least bringing to the Commission, this is kind of the process that we're interstitially thinking about but certainly we want all of you to comment on it, kind of thing.

>> COMMISSIONER CLARK: There's no reason that once we get into doing redistricting, if we find a flaw in this, we can adjust it and roll it out that way too.

>> COMMISSIONER WITJES: Exactly.

>> COMMISSIONER CLARK: Yeah.

>> COMMISSIONER WITJES: Commissioner Eid?

>> COMMISSIONER EID: I just forgot to lower the hand.

>> COMMISSIONER WITJES: Commissioner Lange? What is your thoughts?

>> COMMISSIONER LANGE: To be honest, I don't have many on it.

Everybody views things differently.

I don't know.

I don't have any opinion on it, really.

He put a lot of thought into it, you can tell.

It does state stuff, but I don't know.

I guess it will be up for the full Commission to decide.

>> COMMISSIONER CLARK: I think it needs angry explanation that this is the general concept and walk through the flow chart with them so that they understand the general concept and how we're continuously reoccurring on things and so forth.

>> COMMISSIONER WITJES: I agree with you.

You want that feedback loop.

What you don't want to have happen is it basically destroy itself and then you start cherry picking where you're going after because then you're going to be digging yourself a bigger hole faster than you can even think about digging yourself out of it.

>> COMMISSIONER CLARK: Correct.

>> COMMISSIONER WITJES: But yeah.

I like it.

Are you making a motion?

>> COMMISSIONER CLARK: I'm not making a motion.

But I need to adjust it and if somebody wants to make a motion to move it forward for the Commission to view, that's fine.

>> COMMISSIONER EID: I'll motion to bring this plan as you amend it with the comments that Dr. Hanley said just now to the Commission with the understanding that this is a starting point for the repeatable process that we can undertake going forward.

>> COMMISSIONER CLARK: Correct.

And I'll second that, then.

>> COMMISSIONER WITJES: Give me one second while I finish writing this down here.

All right.

All right so the motion that moved and seconded is that we recommend that we utilize the flow chart with the changes suggested to the full Commission for discussion as a starting point for our redistricting process.

Is there any suggestion on the motion? Commissioner Lange?

>> COMMISSIONER LANGE: This isn't necessity end product or that we're even going to use a flow sheet.

This is strictly that we're going to use it to get to the Commission?

>> COMMISSIONER WITJES: Correct.

>> COMMISSIONER LANGE: Okay.

>> COMMISSIONER CLARK: I think one of the things it does, Rhonda, if anybody ever questions what we did, we can say we did it through a repeatable process and the same way through every District and there should be no complaints of unfairness on how we assessed these things or the process.

We didn't use one process for Detroit and another for the UP.

I think I lost my screen here.

I think that helps.

Okay.

That's end of my comments.

>> COMMISSIONER WITJES: Any further discussion on the motion? Ms. Reinhardt?

>> MS. SARAH REINHARDT: Yeah.

Apologizes for the interpretation interruption.

Commissioner Clark, if you can stop screen sharing during discussion and voting so that all viewing the live stream can view the participants during discussion and voting.

>> COMMISSIONER WITJES: No more discussion on the motion and we'll vote on the motion here.

Again, is to recommend that we utilize the flow chart with changes suggested to the Commission for the full discussion as a starting point of the redistricting process.

All in favor of the motion please raise your right hand and say aye.

All opposed say nay.

Seeing none, motion carries unanimously.

>> COMMISSIONER CLARK: Point of order, Dustin?

>> COMMISSIONER WITJES: Yes, sir?

>> COMMISSIONER CLARK: What day are we bringing this to the full Commission?

>> COMMISSIONER WITJES: That --

>> COMMISSIONER LANGE: Wednesday.

>> COMMISSIONER CLARK: Wednesday? Okay.

So I have to get these changes made before I travel.

>> COMMISSIONER WITJES: You can do it at the hotel.

You're fine.

All right.

So the 30th.

And I don't remember how long that meeting is.

I think it's a couple of good hours so going over the recommendations and discussions.

>> MS. SARAH REINHARDT: 9:00 a.m. to 1:00 p.m. on Wednesday.

>> COMMISSIONER WITJES: Which is perfect.

I lost my train of thought.

I'm assuming you'll be there, Mr. Brace and Dr. Handley?

>> KIM BRACE: I was planning on being there.

I don't know what Lisa's schedule is.

>> COMMISSIONER WITJES: I was just asking.

If not, you're fine.

What about you, Bruce?

>> BRUCE ADELSON: I think I spoke with Sue about that.

I'll be available from 11:00 to 1:00.

>> COMMISSIONER WITJES: All right.

Dr. Handley, if we see you, we see you; and if we don't, we don't?

>> DR. LISA HANDLEY: I have a dissertation defense at noon, but I can be there in the morning.

>> COMMISSIONER WITJES: All right.

>> COMMISSIONER CLARK: Could I ask Lisa a question -- do you prefer to be called Dr. Handley or Lisa?

>> DR. LISA HANDLEY: Lisa.

>> COMMISSIONER CLARK: Thank you.

>> COMMISSIONER WITJES: I'll make that note.

Okay.

Well, I believe that's the end of new business.

So is there anything else anybody would like to bring up or say at this particular point in time? Okay.

Commissioner Eid?

>> COMMISSIONER EID: I'm trying to think about how I want to word this question. I guess my question is, regarding reaching a consensus at the end of this process, you know -- so we need two people from each part -- two Republicans and two Democrats and two Independents and one more to pass anything; however, I would like to have more consensus than that.

I'm just wondering, based on your experiences in the past, what can be done to help all of us, you know, become comfortable with the final product that we're going to end up making?

>> COMMISSIONER WITJES: This might be a question for Julianne.

But can we even do that since those requirements are in the Constitution that we need two, two, and two?

>> COMMISSIONER EID: What's required is what's required.

But I want, personally, even though we don't have to, I would like to see us have more consensus than that.

That's what my question is, just helping build that consensus if there's any advice?

>> COMMISSIONER WITJES: Commissioner Lange?

>> COMMISSIONER LANGE: I have advice.

Compromise.

That's what we have to do in the end is compromising.

We're not all going to be happy.

Our main goal in getting there is how well we're going to compromise with each other.

I don't know.

Just my opinion.

Maybe the experts have experience with that.

>> COMMISSIONER WITJES: That's what all of this is going to be, based public comment any way.

We're not going to make everybody happy.

We'll make everybody equally upset and you did a good job.

That's what I ambiguous like to say.

Mr. Brace?

>> KIM BRACE: Those are exactly my words.

It is a matter of compromise.

We'll see how strident people could become on that side.

But clearly, the -- I think the goal for all of us would be try to figure out how to compromise and how to give everybody a little bit but not the entire kitchen sink because nobody can have the entire kitchen sink.

Some people don't want to think that that's, you know, the way that it ultimately would be.

But certainly that's my experience.

You have to find the 50% plus one votes in order to pass something.

>> BRUCE ADELSON: Excuse me.

And I agree with that.

I just add that there's going to be some realities with the legal requirements that don't necessarily lend themselves to well we'll do this and I'll give you that.

There will be some Districts where I'm sure that that will happen.

But I think that as we move forward and as we talk more, there are just some bottom line realities that really can't change.

But that's not going to be true with every District in every manner.

But I also think with a working standpoint, with everyone having buy-in and participating and being on board with the process that you're talking about, I think that goes a long way in helping build consensus.

In my experience when folks feel alienated or feel their views are not supported or acknowledged, they're not feeling they've been given a full and fair opportunity to participate.

But the law is not necessarily elastic.

It can be up to a point.

But there are other points where there's really not much that can be done.

>> KIM BRACE: But it is kind of a question of having access to anybody and everybody.

And you're certainly --

>> BRUCE ADELSON: Sure.

>> KIM BRACE: And you're certainly more along that way than States I've been working in and you should be congratulated for moving in that direction.

But keep that in mind moving through the whole process because that openness certainly people up in Michigan are going to be looking for.

We've heard them say that.

But it is part of the way of getting the compromise.

>> COMMISSIONER WITJES: It is my personal belief on the whole matter -- I mean, I've known all of you for a better -- almost a year now and we've all been able to work together for the most part.

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We haven't done the nitty-gritty but as far as everybody on this Commission, there's respect for everybody.

We disagree, but that's part of the process anyway.

We're going to put the best thing forward that we can.

That's my personal opinion and I'm willing to bet that at the end of the day once we get the maps all drawn, it's not going to be two, two, and two.

It's going to be 13 voting yes for it.

That's my personal belief.

>> KIM BRACE: Be cognizant that along the way you're going to have a lot of people saying hey, do it my way.

>> COMMISSIONER WITJES: Of course.

>> KIM BRACE: Or hey, we can do it this way or that way.

Be cognizant that's coming.

>> COMMISSIONER WITJES: Of course.

I'm sure it will.

It's like let me show you, my way.

Let's do it 50/50 and then we have it our way.

Okay.

Anything else from anybody? Okay.

Seeing nothing at this point, then would you say objection I'll move to section 60 our agenda which is to adjourn.

Can I get a motion -- I look favorably on a motion to adjourn.

>> COMMISSIONER LANGE: Can we thank all of our vendors for being with us again.

We appreciate your time and know it's valuable.

Thank you.

>> COMMISSIONER WITJES: Thank you very much.

>> COMMISSIONER LANGE: I'll move to adjourn.

>> COMMISSIONER WITJES: Moved by Commissioner Lange and seconded by Commissioner Clark.

All in favor, please raise your right hand and say Yay.

All opposed say no and raise the same sign.

Thanks everybody for attending today.

Meeting is adjourned at 12:24 p.m. on the 28th of June.

Have safe travels and I'll see you folks on Tuesday or tomorrow.

Bye-bye.

>> Bye.

>> Thank you.

>> Take care.

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