



THE SENATE  
STATE OF MICHIGAN

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October 28, 2021

The Honorable Dana Nessel  
Department of Attorney General  
G. Mennen Williams Building  
525 W. Ottawa Street  
P.O. Box 30212  
Lansing, MI 48909

Dear Attorney General Nessel:

As you are aware, on October 27, 2021, the Independent Citizens Redistricting Commission (the “Commission”) abruptly entered a closed session. As the Commission explained, it entered a closed session with legal counsel “for the purposes of discussing the privileged and confidential memoranda titled *Voting Rights Act of October 14, 2021* and *The History of Discrimination in the State of Michigan and its Influence on Voting of October 26, 2021.*” This closed session came despite the Michigan Constitution’s clear and unqualified requirement that “[t]he commission shall conduct all of its business at open meetings.” Mich Const 1963, Art 4, § 6(10) (emphasis added).

Ensuring the level of transparency guaranteed by the Constitution is integral to maintaining the public’s confidence in the Commission’s work, which of course includes deliberations on the fundamentally important role of the Voting Rights Act in the redistricting process. Accordingly, we respectfully request that you provide your legal opinion on the following question: Did the Commission, by entering a closed session on October 27, 2021, violate Article 4, § 6 of the Michigan Constitution?

Thank you for your attention to this important matter. We are confident that you share our intent in bringing certainty to Michigan residents regarding this important legal issue.

Sincerely,

Senator Ed McBroom  
38<sup>th</sup> Senate District

Senator Jeff Irwin  
18<sup>th</sup> Senate District

cc: Mike Shirkey, Senate Majority Leader