

ICRC

02/22/21 Meeting

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>> Steve: Good afternoon, everybody. As Chair of the Commission, I call this meeting of the Michigan Independent Citizens Redistricting Commission to order. This Zoom Commission meeting is being live streamed to YouTube.

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

Our live stream today includes closed captioning. We have ASL interpretation available for this meeting. If you would like easier viewing options for the ASL interpreter on your screen, please e-mail us at [redistricting@Michigan.gov](mailto:redistricting@Michigan.gov) and we will provide you with additional viewing options.

Similarly, if you would like to -- if you would like access to translation services during the meeting, please e-mail us at [redistricting@Michigan.gov](mailto:redistricting@Michigan.gov) for details on how to access language translation services available for this meeting.

Translation services are available for both Spanish and Arabic. Please e-mail us and we will provide you with the unique link and call-in information.

This meeting is being recorded and will be available at [redistricting Michigan.org](http://redistrictingMichigan.org) for viewing at a later date.

This meeting is also being transcribed and the transcriptions will be on [Michigan.org](http://Michigan.org) along with written public comment.

Members of the media who may have questions before, during or after the meeting, should direct those questions to Communications and Outreach Director Edward Woods the third at Woods E3 at [Michigan.gov](http://Michigan.gov).

For purposes of the public record and for members of the public watching, I will now request the Department of State staff to take note of the members and Commissioners present.

Sally.

>> Sally: Good afternoon, Commissioners. When I call your name if you could please unmute yourself and indicate the location, the city or county that you are attending remotely from.

Doug Clark.

>> Doug: Present, and I'm remotely attending the meeting from Rochester Hills, Michigan.

>> Sally: Juanita Curry.

>> Juanita: Present and I'm remotely attending the meeting from Detroit, Michigan.

>> Sally: Anthony Eid.  
>> Anthony: Present remotely attending from Wayne County.  
>> Sally: Brittini Kellom.  
>> Brittini: Present and attending the meeting from Wayne County.  
>> Sally: Rhonda Lange.  
>> Rhonda: Present attending remotely from Reed city.  
>> Steve Lett.  
>> Steve: Present and I'm attending from Lee county, Florida.  
>> Sally: Cynthia Orton.  
>> Cynthia: Present, attending remotely from Battle Creek, Michigan.  
>> Sally: MC Rothhorn.  
>> MC: Present attending remotely from Lansing, Michigan.  
>> Sally: Rebecca Szetela.  
>> Rebecca: Present, attending, excuse me, present attending from Wayne County, Michigan.  
>> Sally: Janice Vallette.  
>> Janice: Present, attending remotely from Highland, Michigan.  
>> Sally: Erin Wagner.  
>> Erin: Present, attending remotely from Charlotte, Michigan.  
>> Sally: Richard Weiss.  
>> Richard: Present, attending remotely from Saginaw, Michigan.  
>> Sally: Dustin Witjes.  
>> Dustin: I am present and I am attending from Ann Arbor, Michigan.  
>> Sally: All Commissioners are present.  
>> Steve: Thank you.

Give me a minute.

There everybody can see me and hear me, right?

Okay, sorry about that.

The new state computer is a little problematic.

Okay, do we have public comment today, Sally?

>> Sally: No, we do not.

>> Steve: Okay, for those of you who have not previously joined us, I have a few comments on how to conduct our public comment portion of these virtual meetings. Because this is a virtual meeting members of the public have to sign up in advance in order to address the Commission.

If you sign up, you will have two minutes to speak to us.

Public comment sign up links are posted on Redistricting Michigan social media pages, on Facebook, and Twitter at RedistrictingMI.

You can e-mail our office at [redistricting@Michigan.gov](mailto:redistricting@Michigan.gov). If you would like to submit your thoughts or comments to the Commission, you may do that by e-mail to

redistricting@Michigan.gov and they will be provide to the Commission and the Commissioners.

Next, we will look at the agenda for adoption of the agenda.  
Are there any additions, deletions or corrections on the agenda?  
Not seeing any.

I would entertain a motion to approve the agenda as presented.  
Rhonda.

>> So moved.

>> Rhonda: Do we have to move to extend it an hour?

Do we have to do that motion?

>> Steve: I'll defer to our general counsel, I guess.

>> Julianne: Mr. Chair, good afternoon. The meeting time is listed at 5:00 for adjournment, so if you adopt the agenda as presented, that would be incorporated.  
Thank you.

>> Steve: So I'll take Rhonda as a motion to adopt the agenda.

Dustin, did you have a comment or did you want to second it?

>> Dustin: I will second it.

>> Steve: All in favor of the agenda as presented raise your hand please.

[ Hands raised ]

It is adopted.

Next, review and approval of the minutes.

Those were provided previously.

Are there any corrections to the minutes?

Any additions or deletions?

Hearing none, I would entertain a motion to adopt the minutes as presented.

>> Dustin: So moved.

>> Steve: Dustin moves.

Second?

MC second, I saw first.

All in favor of the minutes raise your hand.

[ Hands raised ]

It is -- they are adopted.

Any correspondence that we should be aware of to make specific comment?

I noticed there were a number of people corresponding with us this last -- since last Thursday.

Sue, any specific ones you want to bring to our attention?

>> Sue: I did forward one piece of correspondence from Dane County Development in Madison, Wisconsin.

If you would like, I can work with the Michigan Department of State to address their questions.

It's in regards to systems for collecting public input.

And then there was also a piece of correspondence that came from the Delta Sigma Theta Sorority asking about our plans for a VRA legal counsel, and that will be handled on our agenda today.

>> Steve: Okay. Any other Commissioners wish to bring any specific piece of correspondence to our attention or comment on?

Okay.

>> Dustin: I did have a question.

I had this happen twice now where after a meeting someone who was watching found me on Facebook and asked me a question and I just kind of sort of referred them to our website and how they can get in contact and e-mailed those types of questions to us. Is that what I should be doing?

I would imagine so.

>> Steve: I think that is appropriate procedure.

I think the ones I have gotten, I have not got any in quite some time now, I think I responded that I would submit it to the Commission, put it in the public record. I did not respond back with an answer.

>> Dustin: Got it.

>> Steve: I would say that there were a number of correspondence about where we are picking to go have meetings.

Number one, it's not a final list, so it's not cast in stone yet. And there are a number of items that we need to consider when we pick these sites and we are continuing to look at them and we will continue to do so. And I would imagine we will continue to do so until we have and had all the meetings. We may add some, but for those in the public there are several things that we need to consider in this time of COVID and that, number one, is we need a fairly large venue in order to have people spread out.

And our other goal at least is to have them not necessarily in the population centers, but in locations in which it's relatively close, kind of to everybody. And I know that that's an impossibility, but at least we are trying. So keep that in mind for us.

But we are open to your suggestions.  
That's for sure.

Executive director's report.  
Sue.

>> Sue: Good afternoon, again, Commissioners.  
It was so exciting to meet many of you in person this week after each of your photo sessions, so thanks for all the time that you spent doing that.  
Also reviewing the materials for today's meeting.  
And also in your continuing work on behalf of the Commission.

Because our agenda is so full, I will have General Counsel Pastula and Communications and Outreach Director Woods share more about their areas of expertise in their reports.

I'm excited we will have two segments of continuing education today. And thanks to Matt Grossman and his staff for assembling the Voting Rights Act panel from whom we will hear. And also thanks to Colleen Mathis, the commissioner from the 2019 Arizona Redistricting Commission. And Ray Bladine, the executive director for sharing some of their learnings with us.

The line drawing proposal review committee met on Tuesday. And I want to thank Commissioner Witjes and Commissioner Wagner and Lett for serving on this committee.

You will receive their recommendations regarding the firms invited to give presentations to the Commission next week.

As was discussed last week too, I will provide recommendations for the process to solicit bids for Voting Rights Act Legal Counsel. And Edward will facilitate discussion regarding marketing plans and proposed hearing locations.

I have provided resolution 2021 vote 205 as a follow-up to last week's meeting. And I just -- it's just for your information, but it was in regards to the appointment of Commissioner Curry and alternate Commissioner Szetela in regards to media releases.

So, moving right along, I want to go forward to doing our ice breaker today and our question is: What is your greatest lesson learned from your parents?

So give us a little window into what you learned as you were growing up?

Who would like to start today?

I saw Doug's hand.

Thank you, Doug.

>> Doug: Yeah, I will start.

I think the greatest lesson I learned from my parents was that if you're going to go do something, do it right.

You know, don't do a half of a job.

Do a complete job.

And even more if possible, so lesson learned.

>> Sue: Very good lesson.

Richard, how about you?

>> Richard: I would have to agree with Doug.

I think my dad always said do it the best you can, to your abilities and do it right.

>> Sue: Great. How about you, Dustin?

>> Dustin: I would have to say two things.

Never give up on what it is that you want to achieve.

And, two, measure twice, cut once.

>> Sue: That's a good one. That's a good one.

Rhonda, how about you?

>> Rhonda: I came from a divorced household, so I have two.

From my father I would say he taught me to treat everybody with respect but not let people walk all over you and stand your ground.

And from my mother, being a single parent, I learned that nobody in this world owes you anything. And if you want something you get off your rear and you work hard for it.

So that's what I learned from them.

>> Sue: So you got double lessons, that's great.

>> Rhonda: Double lessons.

>> Sue: Rebecca, how about you?

>> Rebecca: My parents were kind of hard core about no matter what happens and no matter how hard you get knocked down, you get back up and you keep fighting. So I would say that is what they taught me.

>> Sue: Okay, good lessons. How about you, Cynthia?

>> Cynthia: I'll have to say strong work ethic.

>> Sue: Okay. Very important.

Very important to the Commission.

Erin, how about you?

>> Erin: I would say treat others the way you want to be treated. And if you're not going to put in the effort, you're not going to reap the reward.

>> Sue: Both very good lessons.

Thank you.

Janice, how about you?

>> Janice: My parents were products of the depression.

So they taught me not to be wasteful.

You know, to repair, fix things, you know, patch it.

I used to watch my dad straighten nails to reuse them.

So, unfortunately, that's not something we can all do right now.

A lot of stuff is just basically throw away.

And it's actually cheaper to buy new, which is unfortunate.

>> Sue: Thank you, Janice. Interesting lessons from your parents.

How about you, MC?

>> MC: I would offer from my dad I learned patience and the value of patience.

And from my mom, I think from her mother, too, so my grandmother the value of sharing food.

Sharing food together.

And what that means.

>> Sue: Good lessons. Thank you.

Anthony.

>> Anthony: So this is something I've reflected on for a minute now and I think my experiences growing up are probably pretty similar to other fourth generations whose parents immigrated here. But my parents are in the gas station business over in Farmington Hills and Waterford. And I started working there at the stores when I was like nine or ten years old.

So, you know, it gave me an appreciation of hard work and knowing the value of the dollar.

>> Sue: Those are very good lessons learned.

Juanita, what would you like to share today?

>> Juanita: Gee, I've been thinking about that.

We were taught so many things.

To respect adults.

The older people.

And to love family life.

And to -- we had to respect our parents and everybody else's parents, so that is one thing I always remembered when I was small.

>> Sue: Good life lessons. Brittini, how about you?

>> Brittini: So I think I was trying to just simplify the lessons that I've learned from, you know, growing up; but there were some core values that don't really outrank the other.

Integrity was a big one.

You say what you mean.

Mean what you say.

You know, I would walk out the house in the mornings going to school and they would say you have a Kellom girl, you represent the Kelloms, no matter if we are there or not. And along with that a heavy focus on excelling and academics, not necessarily outshining the peers. In my family, that is natural that will happen; but to really, really do your best. Similar to Juanita, this respect for community, elders and storytelling. And then I'll also say having fun.

I grew up in a family where we always had fun.

Even now.

So those were the core lessons of the Kellom family.

>> Sue: Great lessons learned.

Thanks for sharing.

>> No problem.

>> Sue: Steve, how about you?

>> Steve: Well, I would say that the lessons I learned from my father and my mother basically from observation was to be patient.

Don't get overly excited about anything.



And something that I've always said because of learning to be patient is if you're not dead you have a chance.

>> Sue: Okay, I think we all do.

Thanks for sharing that.

Edward, would you like to share with us today?

>> Edward: Thanks, Sue.

I would say education is something that was very valued in our family's household.

My father ran the adult education program for the state.

It was the first one where people would get their GEDs, used to be at night school but he saw a need for it to happen for those from first shift, second shift, third shift. And just making sure that education, access to education is important; but also celebrating education.

I can remember seeing a grandmother, a mother and a daughter all graduate from the same time as a result of that, so that was something that was really cool.

So value in education and valuing the dignity of all men and women.

Thank you.

>> Sue: Great lessons.

Thank you for sharing. And, Julianne.

>> Julianne: Thank you. I was thinking and reflecting and it's hard to pick. And I would agree with the comments about hard work and ethics and kindness particularly. But I think my parents really a love of learning, a love of books, and communicating with people.

And I'm lucky enough to still be learning from my mother.

So I think I still have a lot to learn in that regard.

Thank you.

>> Sue: Thanks, Julianne.

And I think reflecting on the many lessons I learned from my parents, I think the largest one I learned was to be honest and have integrity. And I didn't learn this from what they told me. I learned this from observing them.

So they definitely walked the walk in their lives. And I'm really blessed to have parents that taught all the kids in my family to have integrity and always be honest and in everything you do.

So thank you so much for sharing this morning.

And, Steve, back to you.

>> Steve: Thank you, everybody, thank you.

General counsel report.

Julianne.

>> Julianne: Thank you. Thank you so much.

Good afternoon, Commissioners,

And everyone on the Zoom meeting.



I'm looking forward to today's meeting. And I know it's a very full agenda so I'll keep my remarks very brief.

First, I wanted to address any potential confusion surrounding the closed session issue.

The MICRC has not proposed going into closed session for any line drawing or redistricting activities.

And has no plans to go into closed session for any reason in the near future.

In the absence of precedence, the issue of holding a closed session would need to be addressed at the proper time. But it is not being addressed at this time.

Secondly, I wanted to provide a Subsection 11 reminder.

Based on questions I've been receiving about communications regarding redistricting matters.

These communications are permitted between individuals within the redistricting bubble. We are going to go back to the bubble concept.

So the Subsection 11 does not operate as a restriction on communications between individuals Commissioners. But, again, be sensitive to quorum issues. And it is not a restriction on communication between Commissioners and your staff because we are all within the bubble.

The Subsection 11 restrictions is on restrictions with members of the public outside of an open meeting of the MICRC.

So individuals within the redistricting bubble are prohibited from discussing redistricting matters with members of the public.

That includes individuals or members or representatives of outside entities.

I would like to note while this is a broad prohibition, there is an exception that Commissioners may communicate on redistricting matters with members of the public to gain information relevant to the performance of duties only if the communication occurs in writing or at a previously publicly noticed forum or town hall open to the general public. So Dustin's example when people were reaching out to him to direct them to the website in the near future the public comment tool is appropriate.

So I wanted to make sure that those reminders, again, that we are not prohibited from discussing within the bubble.

The prohibition is on communications outside of the bubble.

And, lastly, the next three items to expect from me is a writing on the census issues, the records retention policy, as well as the conflict of interest policy.

Thank you, Mr. Chair.

>> Steve: Thank you, Julianne.

Communications and Outreach Director.

Edward.

>> Edward: Thank you, Mr. Chair. I just want to thank each and every member of the Commission for their support on Tuesday and Wednesday as relates to the photos, as well as the video recording.

Sue echoed that a little earlier.

It was nice meeting you. And I'm getting that information.

We are trying to build up our communications and promotional materials for our website and for our promotional materials we want to get out to the public. So that was a huge step with regards to that.

I want to also express appreciation to Bill Phillips, Tim Burke and Susan Martin with the Michigan Department of Transportation. And Walter Marshall with the Michigan Department of State, as well as Sarah Reinhardt for coordination and helping us out with that process.

So I just want to make sure we were sure about that.

As you know, we are having our outreach effort to local Governments starting in March. A little bit earlier today, within the last hour or so, you should have received a PowerPoint from me as well as a PDF from me.

The PowerPoint is the actual presentation.

And the PDF provides the talking points.

If you're looking at an Apple device, you might have a problem with one of the slides on the PowerPoint.

But I can assure you that it is there.

So I just want to make sure you know that.

If you have any questions, if you would like to do some coaching, send me an e-mail, more than happy to help you one on one at a time of your choice tomorrow. But at this point we have 69 municipalities that have signed up.

Our goal is 100. So we are not out of the woods yet. But want to say thank you, thank you, thank you for signing up and giving more information. And there is more to do. And some of you will be getting phone calls from me because I want to make sure we give everyone an opportunity to present.

If you are aware of some cities or townships that have not signed up, please let me know because it's still not too late to get them on the list.

That's all I have at this time.

I have some presentations a little bit later in the agenda, but thank you once again for your support and cooperation.

>> Steve: Thank you, Edward.

And I would congratulate you also and keeping this herd of Commissioners going in one direction to get the picture taken.

And the State people did an excellent job.

They even made me look good.

MDOS update, Sally, do you have an update for us that doesn't have anything to do with a computer?

>> Sally: Good afternoon, everyone.

No formal update from the Department of State this week.

Although I know you all have your computers, hopefully by now.

So if you encounter any issues, don't hesitate to reach out as always.

>> Steve: Oh, I have issues.

>> Sally: Well, don't hesitate to reach out, Mr. Chair.

>> Steve: I've got the guy's name that helped me and I already called him five times.

>> Sally: Great.

>> Steve: Okay, unfinished business.

Julianne, you are back up according to my schedule.

>> Julianne: Yes, thank you, Mr. Chair.

Let me share my screen.

In the beginning we are returning to the procurement review policy.

This has been revised based on the meeting of the Commission last week, specifically regarding the emergency contract provision.

I submitted a memo to the Commission dated February 22nd with the updated draft.

So the emergency contracts, based on the discussion regarding checks and balances and other issues raised, this is the updated proposed language.

So while it acknowledges it would be a rare occurrence, it confines the ability to make emergency procurements to the executive director only.

And it defines what an exigent circumstance would be and putting some perimeters.

You will notice the threshold, the dollar threshold is still blank. There is some discussion as to whether to take it out or leave it in.

So I thought that was the most appropriate way to capture that information at this time.

The next change would be additional checks and balances for the Commission to consider.

And those would be, again, in regard to the emergency procurement proposed provision, that it could only be utilized during the actual circumstance.

There would need to be analysis of whether it can get procured from an existing contract or vendor with a current relationship.

The report to the Commission would occur via e-mail as soon as possible.

And it would be required to be an agenda item at the Commission's next regular meeting with a report from the executive director detailing the specific conditions and circumstances, the basis for selection of the vendor and whether it would be a one-time procurement or transition to the competitive bid process.

The procurement contract would need to be submitted to the Commission within two weeks from the date of the emergency procurement.

The only other change to the proposed policy would be to capture the concern raised if three informal bids were not required.

This would be found under Section 5b4. And the additional language would be that the executive director may directly solicit additional bids so that a minimum of three bids are considered for emergency contracts.

The options for discussion I'd like to present today is for the Commission to decide whether to include or exclude the proposed emergency provision.

If it is included, whether to set a financial threshold.

And to accept or reject any of the additional proposed checks and balances.

Again, regardless of any action on the emergency provision, I would recommend the -- accepting the recommendation, allowing the executive director to obtain, directly solicit three bids for informal.

That way at least three bids are being considered for any informal contracting process.

And then that's the end of the slideshow.

Let me -- if there is any questions or comments, I'm happy to answer.

>> Steve: Doug.

>> Doug: Yeah, Julianne, can you put the second slide back up for a minute?

>> Julianne: Yes.

>> Doug: I want to read through that again.

>> Julianne: I apologize. I sent the wrong thing.

>> Doug: That is right, the third one. Go forward one.

>> Julianne: There we are.

>> Doug: That one there.

I just want to reread it.

You can go ahead with the discussion while I do that.

Yeah, the comment I would have on that in Section D, sometimes it's an add on to the existing purchase order. It's an amendment to the existing purchase order, which I would see as Number DD.

Because it's not a one-time procurement or will be transitioned to competitive process. It's a revision to the original purchase order.

But that could happen as well.

>> Julianne: Are you referring to B on this slide, Doug?

>> Doug: D, yes, delta.

>> Julianne: B, I was asking for B for beta if --

>> Doug: Okay, I see that, yeah.

>> Julianne: Does that address the concern?

>> Doug: It does, but when you get down to delta, that's the report that the executive director is giving.

And that's not one of the options for the report.

That's where I was looking.

But, yeah, I mean, B does address what I was talking about.

>> Julianne: Correct. But if it was added to -- if it was added to the existing contract under B as an emergency procurement, it would have to be reported on under delta.

>> Doug: Yeah. And under delta would it be AB or C?

I don't see it in either one of those.

>> Julianne: AB and C are for each emergency procurement. So the report would have to say what the condition was, why the vendor was selected. In your example it would be we can get it from an existing contract.

Then the notation about the conflict of interest inquiry. And then on to C, whether it will be a one-time from added on to that or if it will have to be a more permanent addition to the existing contract, which would come before the Commission.

>> Doug: Okay, sounds good.

>> Julianne: Uh-huh.

>> Steve: Brittini, can you help us with the conversation here today?

>> Brittini: Absolutely. Anthony, I see you have a hand raised.

>> Anthony: Yes. So if no one has any other comments on this, I know we did have a pretty lengthy discussion on it during our last meeting. I would like to motion to adopt this resolution with the proposed checks and balances that our general counsel put out. And I'd like to do that while leaving the emergency amount blank as it currently is because, as we said last week, you know, we can't really account for all the expenditures that might be necessary in an emergency.

>> Brittini: Cynthia, did you have something you wanted to add to that?

Anthony, I heard you. And I know you proposed a motion, but I am just making sure.

>> Cynthia: I have a question about a different part. So before we vote I would like to talk about it but --

>> Brittini: Yeah, go ahead.

>> Cynthia: Julianne, on -- I think it was the last section, where it says if we don't get three bids then the executive director can directly -- I forget what it said. Is that only the executive director can directly contact people and ask them to bid or any of us?

>> Julianne: So, Cynthia, the language there, and I'm happy to put the slide back up and hopefully not have to go backward if you would like that, but specifically to the informal contracting, that would be if -- and I believe Commissioner Clark raised it last week what if three bids are not received informal bids.

So this would allow the executive director to conduct outreach.

So if you had suggestions or it would be reserved for the executive director to directly answer your question.

>> Cynthia: Okay.

>> Julianne: So if you had questions it would be relayed to the executive director.

>> Cynthia: Okay. And then I do have one more thing. I don't feel comfortable with a blank amount on the emergency thing.

That is my opinion.

>> Julianne: Procedurally we still don't have a second, Mr. Chair. So the original motion can be amended. Or if you wanted to conduct further discussion, it would be appropriate.

>> Steve: Do we have a second?

MC.

Are you second?

>> MC: Yeah, I was going to offer a second, yes.

>> Steve: Then we can have discussion. So now we have a motion, we have a second, back to discussion, Brittini.

>> Brittini: I don't know why it keeps muting me after I unmute it. Anyway, MC, go ahead and then Erin and then Rhonda and then Dustin.

>> MC: I'm also nervous about having a blank check, but I understand the reason we are talking about emergencies is because we have a limited timeframe to get these -- specifically these meetings with our Michigander citizens done. And if we place a limit on the policy, because we have limited money, period, like we know that. We risk the, yeah, we risk drawing it out. And I think this policy, because we can't anticipate an emergency, right, and we are trying to create an emergency amount that is fiscally responsible, I honestly don't know that any of us can choose an amount that will fit within our budget.

We don't have the money.

And so there is a part of me that feels like it's an exercise that I guess where I've come to it for myself, I will just offer this is like we don't have the money, period.

Like I don't -- and I feel like to try to understand what limit I would feel comfortable with is an exercise in my mind, so to speak.

We don't have the money. And so I think we are going to be limited by that, period.

And so I would also like to have our staff feel like they can help us actually get to all the Michiganders and in the timeframe that we frankly have to get this done. And so I feel like I'm okay. I'm nervous about it. I really am, just to be super clear. But I feel like I'm okay with a blank check and just an understanding that our budget is limited, period.

>> Brittini: Thank you, MC.

>> MC: I'm comfortable with the checks and balances by the way, that was the other piece.

Thank you.

Now I'm done.

>> Brittini: You are fine.

I was processing, too.

I don't know if I have anything to say just yet.

Erin, did you still have?

>> Erin: Mine was like Rhonda and Cynthia and MC. I too am nervous about the unlimited funds question there.

And I'm wondering if there is a way that we can structure it, say, from 0 to X amount of dollars does not require authorization but above a certain amount of money does?

So I was wondering if we can approach it from that point of view for everybody who is nervous about the blank check.

>> Brittini: Does someone have anything to say about what Erin said or another suggestion we can kind of pool, you know, and have a deeper discussion about? Juanita, you have something?

>> Juanita: I kind of like what Erin said. I thought that was pretty reasonable.

I also thought maybe is there any way we can check with the California Commissioners to see how far they went up?

What their amount was and see if we could kind of gather something from their amount that they used?

>> Brittini: Like a reference?

>> Juanita: Like a reference or is it like two different entities where it would not help us to know that?

>> Brittini: I can see your thought process.

>> Juanita: Just a suggestion, just a suggestion, if they did not want to leave it out and if we can get some kind of amount they used. But I know their state is probably the large or small or whatever, but gather some kind of amount and then go from there.

>> Brittini: Okay, Dustin, Rhonda and then Doug. And then if, Julianne, you had something that you wanted to slip in, I get the sense, yeah.

>> Julianne: Very briefly, I apologize for cutting in.

The California Commission was required to use their standard state procurement policy. They were not allowed to -- they did not have the ability to make their own procurement rules.

>> Brittini: Okay, that is different then, okay.

>> Steve: Let me say where we are at right now based on Erin's comment. We don't have an emergency authorization.

In other words, if any of the staff wants to spend money, they will come to us and say this is what we are going to spend money for.

There is no emergency authorization.

So to say we don't -- anything over zero, they have to get approval. So what we are talking about here today is in an emergency are we going to have something up to X number of dollars.

It's just explaining where we are at procedurally.

Thank you.

>> Brittini: No problem, Steve. Dustin and Rhonda and then Doug.



>> Dustin: So I may be looking at this a little bit differently, but I'm kind of a fan of there not being a dollar limit associated with it. Because, like Steve just said, these procurements would occur in an emergency type of situation.

It's not like it's going to be happening every week.

So for let's say we are on the road doing something and we have an emergency rise up, and we put a \$5,000 limit on the emergency procurement that we can, you know, get; then if it costs \$5001, they can't do it without us having to have a meeting at that particular point in time, which would cause that particular emergency to be stretched out three hours because we have to have an open meeting to allow for that to happen. So it's not going to be, you know, it's not something that we are going to have to be worrying about every day or every week. I'm guessing the amount of times it would possibly even come in to play you can probably count on maybe two hands potentially, if that.

So that's just the way that I'm looking at it.

It's, in fact, just for an emergency only.

To allow us to get our job done without having whatever is said at emergency arise take now three days so that we can have a meeting about that extra dollar, for example, to see if that would be okay to approve.

>> Brittini: Thank you, Dustin. That is a really good point. And I want to get to Rhonda and then Doug and then we can circle back to you, Juanita.

>> Rhonda: I'm going around the same lines as Cynthia. I'm not comfortable with an open check.

And I think the Commission as a whole is responsible for this budget.

And we are the ones that are going to be held accountable. And I understand the whole emergency thing.

But what emergency? I know it was -- a reference point was what happens if a bus breaks down?

Well, if a bus breaks down, I'm assuming that bus has us on it.

So I'm looking at it, what type of emergency would it be where thousands of dollars may need to be spent that the Commission is not available to say yea or nay and leave it just open. And it's not anything about distrust or anything, but I feel the Commission as a whole is responsible for this taxpayer money so we have to be smart about it.

Just my thoughts.

So the blank check I'm not good with.

>> Brittini: Thank you, Rhonda.

Doug, did you still have something?

>> Doug: Yes. I just want to run an analogy across the Commission.

You know, if you take a look at a large corporation, even the CEO doesn't have the authority to spend anything they want to spend.

There are certain instances where they have to go to the board of directors, which in our case I would look at as the 13 of us being board of directors.

>> Uh-huh.

>> Doug: But I think it's prudent to have a limit as I rethought through this for the past week.

But I think that limit should be relatively high.

It should not be \$5,000 or \$25,000 limit.

It should be higher than that to give Sue the flexibility to make the procurements that are necessary.

But that's the analogy I wanted to run across you.

I mean, even large corporations, take General Motors and the Ford's and so forth, and the CEO doesn't have unlimited amounts they can go spend either. They have a board of directors that deals with that, so.

>> Brittini: Thank you, Doug, Juanita, and I think it was Anthony and Rebecca.

>> Juanita: Well, I'm trying to be reasonable in thinking about this.

I just think that we can't write -- no one can write anything in the blank check unless we all agree, am I right?

>> Steve: That's correct.

>> Brittini: I'm sorry. I answered in my head.

>> Juanita: So if that is the case, why are we scared of not -- why are we scared of leaving it blank?

I mean.

>> Brittini: What I hear is a matter of like discretion and wanting there to be some sort of padding, but that is just me, you know, analyzing what has been said so far.

And then, you know, being cautious and conservative of the budget that's not, you know, everlasting in a sense.

Juanita, that is what I would say to that piece.

Was there something else you wanted to add?

>> Juanita: So you're saying that this budget that we are trying to make will be the budget for the next Commissioners that come behind us, is that what we are trying to figure out?

>> Brittini: No.

>> Juanita: No.

Then I think that my opinion is that we can't -- one person cannot fill it in, so that is why not leave it blank.

We don't know what we are going to come up to.

We don't know what we are going to have to use it for.

And if we don't have to use it at all that would be good, but we don't know.

We have never done this before, so we should leave some kind of leeway for ourselves.

>> Brittini: Okay. Thank you, Juanita. I appreciate that. Anthony and then Rebecca.

>> Anthony: So last week when we were discussing this, the draft that we were given did have an amount on it.

And by the discussion last week, I thought we decided to not have a limit on it.

But I may have been mistaken by that.

I mean, if we want a limit, we could go by the limit that the first draft had stated, which I believe was \$25,000.

Julianne, was that the correct amount?

>> Julianne: So the first draft was also blank.

The \$25,000 was just an amount that I offered to start the conversation.

But, again, for flexibility purposes, generally they are not -- amounts are not included.

And, just for context, we are talking about emergency situations.

So under the policy, for \$5,000 or under, the executive director would have the ability to spend that without -- under this policy for \$5,000 and under, the executive director would have the ability to spend that.

If -- and to use the example of the bus breaking down, if it's over \$5,000, then we would have to go to the three informal bids required because the Commission wouldn't be able to give the executive director authorization to spend over \$5,000 because it's not an open meeting that has been properly noticed.

So using that example, or another example I would give for an emergency situation would be prior to an open meeting happening, if the AV contractor suddenly pulled out or had an emergency or didn't show or there would have to be a -- depending on the amount set or what the limits were, that would not be able to occur.

A replacement AV vendor would not be able to occur until the Commission opened their meeting and did that.

And just to say you wouldn't be stuck on the bus, right? I just realized I left that example kind of hanging. It would have to be -- someone would have to pay for it and then seek reimbursement.

So those kinds of situations.

So, again, we are -- I just wanted to clarify that under the process there is the three regular tiers of informal contracts, three bids and the RFP process.

This would be just in emergency situations where either the Commission can't be called to make a decision with an 18-plus hour notice for posting to make the procurement decision, but I hope those help to be clarified.

It -- there would still be the accountability.

Thank you, Vice Chair.

>> Brittni: Thank you, Julianne. I'm glad that you made those points.

And I think, Anthony, do you have something like a follow-up or something else before I moved on to Rebecca?

>> Anthony: No, not really.

I would be willing to amend my motion and put an amount on it if somebody has, you know, an amount that they think would work.

>> Steve: Let's take a couple more comments and we will entertain an amendment.

>> Brittini: Rebecca.

>> Rebecca: Yeah, in response to Rhonda's comment about what could happen like having assisted with many, many events over the years, I would say any time you are having events anything can happen.

You can have a facility you are supposed to have a meeting at and all of the sudden their sewer backs up and floods the entire first floor and now all the sudden you need an alternate location quickly. Or, you know, maybe they have a boil water advisory or, you know, the AV guy doesn't show up. There are literally so many things that can happen on the fly where we want Sue and others to have that flexibility to be able to fix it and fix it quickly without worrying or having to pull out their own personal credit card to try to cover an expense.

So that's just my perspective on it.

Like I said, whenever you are having events, anything can and will go wrong. And you just -- it's impossible to predict which is why I would have a problem with putting a cap on it because we just don't know what that amount is going to be.

And, on the flip side, you know, I also trust that the people that we have hired, Sue and Edward, are going to use discretion and use it wisely. And they wouldn't just go out running willy-nilly and paying \$10,000 for something if it's emergency when they would pay \$5, so those are kind of my thoughts.

>> Brittini: Thank you, Rebecca.

I don't know if I have a conclusive thought.

I think us being prepared for anything is extremely beneficial.

I almost want to say that I am not afraid to have, you know, a blank line even though we can't anticipate what will happen.

I don't think it will be like so exorbitant it will be something that, you know, is totally ridiculous. And I do, you know, trust Julianne and Edward. And I think there has been a lot of conversation and checks and balances. And there would be a lot of talk before, you know, that money was necessarily spent.

Richard, I want to listen to you; and, Doug, you as well.

>> Richard: I guess I'm not buying the bus thing.

I would tend to think if we lease a bus, that's their responsibility.

Okay.

>> Brittini: That is what I was thinking, too.

>> Richard: Same as leasing the building, if they have a backup, yes, we would have to go to an alternative site. But shouldn't that maybe be wrote in the contract what if?

Are we going to receive a refund?

Or something?

>> Brittini: No, we get to walk that is what happens.

>> Richard: I don't want to spend any more money than we have to either. But I think an emergency is an emergency and it's hard to put a price on sometimes no matter what.

You can't say, well, I think it was \$5,000 and \$5001.

Maybe we got to come up with a better way to control how we spend it if we have to do it.

I'm not sure.

Thanks.

>> Brittini: Thank you, Richard. Doug?

>> Doug: Yeah, I agree with Richard about the bus.

It's not our bus.

We leased it.

You know, it's not like something happened to something we owned and that would be our problem.

But I think the purchasing agreements with these people should protect us in some manner too.

And that should be in place.

But the comment I would like to make is I would like to amend the original motion and put a \$50,000 amount on it.

And I'll move from there.

I think that is substantial to cover any exorbitant costs. But, yeah, it has some controls, too, so I would like to make that amendment to the original motion.

>> Brittini: Thank you, Doug.

>> I second that.

>> Brittini: I second that.

>> Steve: Is there any discussion on the amended, on the amended motion for \$50,000?

Okay, if you are ready to vote, if you would be in favor of a \$50,000 cap on the emergencies, this is just the money amount, not that we are going to do the emergency procedure, just the money, raise your hand.

[ Hands raised ]

Somebody take a count and tell me how many that is.

All right, hold it.

We got to do a roll call.

>> Brittini: A Zoom count is hard, Steve.

>> Steve: I know that's what I said.

>> Rebecca: I was seeing eight.

>> Sally.

>> Sue: I also saw eight, there were eight hands.

>> Steve: Got to know who is on who's side. Too. Please do a roll call for us.

>> Sally: Absolutely.

I'm going to go in alphabetical order.

So.

>> Steve: Just to be clear, the only thing we are voting on is whether or not the limit, if we pass the first part, which we haven't, if the limit would be \$50,000.

>> Sally: Doug Clark.

Doug you are on mute.

>> Sally: Doug, was that a yes?

>> Doug: Yes, it was.

>> Sally: Juanita Curry?

>> Juanita: No.

>> Sally: Anthony Eid?

>> Anthony: Yea.

>> Sally: Brittini Kellom?

>> Brittini: Yes.

>> Sally: Rhonda Lange?

>> Rhonda: No.

>> Sally: Steve Lett?

>> Steve: Yes.

>> Sally: Cynthia Orton?

>> Cynthia: Yes.

>> Sally: MC Rothhorn?

>> MC: Yes.

>> Sally: Rebecca Szetela?

>> Yes.

>> Sally: Janice Vallette?

>> Janice: Yes.

>> Sally: Erin Wagner?

>> Erin: Yes.

>> Sally: Richard Weiss?

>> Richard: Yes.

>> Sally: Dustin Witjes?

>> Dustin: No.

>> Sally: Yea is 10, no is three.

>> Steve: We have the proper balance we have to with that number.

All right. We are back to the first motion, which is whether or not to adopt this procedure at all.

Are we ready to vote?

Sally, would you please do another roll call for us?

>> Sally: Yes.

I'll still go in alphabetical order, but I'll start with the next person in line.

So Juanita Curry.

>> Juanita: No.

>> Sally: Anthony Eid?

>> Anthony: Yes.

>> Sally: Brittini Kellom?

>> Brittini: Yes.

>> Sally: Rhonda Lange?

>> Rhonda: No.

>> Sally: Steve Lett?

>> Steve: Yes.

>> Sally: Cynthia Orton?

>> Cynthia: Yes.

>> Sally: MC Rothhorn?

>> MC: Yes.

>> Sally: Rebecca Szetela?

>> Rebecca: Yes.

>> Sally: Janice Vallette?

>> Yes.

>> Sally: Erin Wagner?

>> Erin: Yes.

>> Sally: Richard Weiss?

>> Richard: Yes.

>> Sally: Dustin Witjes?

>> Dustin: No.

>> Sally: Doug Clark?

>> Doug: Yes.

>> Sally: Ten yeses, three nos.

>> Steve: Thank you, everybody, that takes care of that particular piece of business.

And, Julianne, I would appreciate it if you would send out the revision to us upon its completion, please.

>> Julianne: Yes.

>> Steve: We have been at it an hour.

Let's take ten minutes and come back and we will finish up with Julianne.

Be back at 2:10.

Sue, you had something, okay.

[ Recess until 2:10 p.m. ]

>> Steve: Okay, I think everybody is back.

Brittini isn't back yet.



Julianne, you've got -- keep revisions of the constitutional amendment. And I see that the voting rights panel is ready to go.

Can we --

>> Julianne: My suggestion would be we welcome our guests and the executive director can find another slot. Since I'm at all of your meetings, I will happily present and Sue can welcome our guests if that is acceptable.

>> Steve: I thought you would probably volunteer to do that.  
Okay, Sue, let's move to the Voting Rights Act, please.

>> Sue: Wonderful.  
Welcome to our guests today.

I want to introduce the people who will serve on the panel first for the Voting Rights Act information that's being presented.

First, we have with us Leah Aden. She is the deputy director of litigation at the NAACP Legal Defense and Educational Fund. Where she uses litigation policy and public education strategies to ensure that Black people have equal access to the political process, environmental justice and employment opportunities. She has advocated on behalf of Black voters and civil rights organizations and challenges that dilute redistricting practices and has authored or significantly contributed to Supreme Court and other Federal Courts related to redistricting and voting rights.

Secondly, we have joining us David Becker. He is the founder and executive director of the Nonprofit Center for Election Innovation and Research. And he is leading their efforts to help election officials of both parties all around the country ensure that all eligible voters can vote conveniently in a system with maximum integrity.

As one of the foremost election experts in the country with over two decades of experience, he is an expert on all aspects of election administration, including cyber security, disinformation foreign interference, long lines and other issues with voting and voter registration.

Third, we have Michael Li who is the senior counsel for Brennan Center for Justice. His work focuses on redistricting, voting rights and election. Prior to joining the Brennan Center he practiced law and was author of a widely cited blog on redistricting and election law issues. And is a regular writer and commentator on election law issues.

And, lastly, your commentator for today is Dr. Matt Grossman who you met before. He is a professor of political science and the director of the institute for public policy and social research at Michigan State, also known as IPSR. He has served in that capacity since 2016. And is a nationally known political scientist and an expert on American politics and Government whose research spans national and state policy making, election campaigns, interest groups and political parties.

So welcome all.

And, Matt, take it away.

>> Matt: Thank you so much.

So as a reminder, we do want to be helpful to the Commission.

We have undergraduate and graduate students who are assigned to help you as well, so if you have any research interests or tasks that you would like help with, please let us know.

This is the first also I think in a series that we are going to be doing with communities of interest next in March and some practice with election maps here near the end of March.

So please let us know what we can put together for you and we will be happy to do that.

There is also a set of resources that the panelists have presented that we put on a the IPSR website that I have linked to and Sue will be sending out. And I also wanted to remind everybody that we did have a voting rights panel at the orientation. Some of you may remember hearing from Ellen Katz and Justin Levitt, so that is obviously available via video and will reinforce some of the messages you heard before.

We are going to go in a little bit different order than the introductions. Michael Li has agreed to go first. And we hope to leave plenty of time for questions and discussions. But if there are clarifying questions, I'm sure they will take them during the talks. Michael, take it away.

>> Michael: Great. Thank you all for having me. And thank you for taking on this really important task for Michigan, the Michiganders particularly under circumstances which are certainly less than optimal.

But I'm glad to be here today with you to. And I was asked to give a brief overview of the Voting Rights Act as you guys go through the process of looking for and retaining counsel and other professionals to help you in redistricting. And so I was going to start just with a refresher on the law.

And I'm going to share my screen, which I believe I can do pretty seamlessly. Let's see.

Here we go. You think I would have this down nine months or almost a year of the pandemic, right, but sometimes it doesn't quite work. So I've been asked to give an overview of the Voting Rights Act which is an iconic piece of legislation, the most important and transformative pieces of legislation in American history.

And even though it's somewhat weakened in the last few years and over time, it still has a lot of power for protecting communities of color.

And I'm going to start talking about Section Two of the Voting Rights Act, which is the key provision that I think will be applicable to Michigan.

Section two requires under certain circumstances drawing districts that are electorally favorable to minority communities.

And it applies nationwide, unlike some other parts of the voting rights act, which only apply in states with a strong history of discrimination, mostly the south.

But Section Two of the Voting Rights Act applies nationwide, including Michigan. And it requires drawing electorally favorable districts if a three-part test is met and if the totality of circumstances warrant. And it's important to note a state can be sued if you don't create a district under Section Two.

So making sure that you address any potential Section Two liability and don't stumble into Section Two liability is going to be important.

I mentioned the three-part test.

This is a synopsis of it.

And this is developed under case law.

It's not actually in the statute itself, but this is standard imposed by the Supreme Court. In the 1980s.

And basically the test is a minority community large enough and that you can draw a compact district where they are a majority of the citizen voting age population, does the minority group also vote cohesively, that is to say they prefer the same candidates, you know, if you have a situation where Black voters, for example, prefer very different candidates and there is no unanimously Black candidate or strongly preferred Black candidate for that condition is to vet.

And the last part is do white voters vote as a block in a way that prevents the minority preferred candidates from winning. And I have an illustration in a second that will go in to that a little bit more. But this is basically a three-part test.

You know, if -- and I highlighted some words that are important.

Like is the community large enough? Is it sufficiently compact that you can draw a reasonably compact district?

Does the community vote together?

Do white voters vote the opposite way?

Sufficient numbers to defeat the ability of this community of color from electing a preferred candidate.

If those three elements are met, then the Court goes into something called a totality of circumstances test.

And that looks at like whether there are circumstances that make it hard for minority groups to prevail on elections.

The factors they can consider are many.

And they include whether there is a history of historical discrimination in voting.

Whether there are economic or social disparities that make it harder to, you know, get people to turn out to vote.

Or to vote.

Whether there is a lot of racism in elections, racialized appeals where you sort of like use code words and other things like that to sort of signal like this is not somebody that we want.

And also, you know, sort of whether the needs of the minority community are being met. And if all of the -- if the three-part test is met and if you can show sufficient totality of circumstances, then the Court can order -- then you have Section Two liability. And if you don't address that, then a Court can order you to address this.

To put this in concrete illustration, if you look on the left there is, let's say this is a city which is about 40% Black and it elects four members for City Council, all of whom are elected at large, which is everybody votes for all four districts.

Because there is racially polarized voting because white voters prefer one candidate and Black voters prefer a different candidate, the Black preferred candidate never wins. And the white preferred candidate always gets 60% of the vote. The Black preferred candidate always gets 40% of the vote. And there is no Black representation on the City Council.

In the middle you will see if instead you draw four districts that are evenly populated, then you have an opportunity to elect two Black preferred candidates out of the four. And this is historically how Section Two of the Voting Rights Act was used, to challenge the use of at-large election systems which are required to drawing of single member districts such that minority preferred candidates could win. But it's also come to be used in the third situation on the right where, you know, you draw districts that, you know, is fractured or, you know, can be communities of color, is, again, in the third situation, the Black preferred candidate would never win. And if a jurisdiction enacted the plan on the right, you can bring a Section Two case and force the jurisdiction to enact something that looks more like the plan in the middle.

Now, all of this is confusing, which is why it's important to have good counsel and good experts because there are lots of tricky things.

You know, every word that I highlighted in the PowerPoint before like is there cohesion? That is a tricky issue.

You have to determine what elections do you use.

What -- over what period of time is a group -- is a racially polarized voting. All of those things that, you know, you will need guidance on.

And it's not something that is just a back of the envelope or intuitive thing.

I will note one thing that's important about Michigan.

In much of the country you can have Section Two districts where you have two or more minority groups combining.

And, for example, Latinos and Asians or Latinos and African/Americans, if they vote cohesively, they can be considered as one minority group for purposes of Section Two in meeting all requirements of Section Two.

That is not allowed in the Sixth Circuit where Michigan is.

Which so in Michigan you are really talking about single minority districts of Black district, the Latino district, and the like.

It's important to note this is not an issue the Supreme Court has ruled on but the Sixth Circuit Court of Appeals has and it has held that Section Two does not require the creation of multi member, multi minority coalition districts.

So, with that, I'm going to turn to a few caveats about Section Two that I think are important to note as you go through this process.

One is to watch for nonperforming districts.

And what is a nonperforming district?

It's a district that looks like it on paper that it should elect a minority preferred candidate but doesn't actually.

And in this regard, it's important to know that, you know, the key is that it's not a fixed percentage of ethnicity of the ethnic group.

It's rather whether a district performs or not. And there are many times where you have illusory districts. For a specific example, one in Texas this was created intentionally rather than accidentally, but in this case the green areas are rural areas of Texas that have a lot of low voting Latinos. The orange areas are for urban areas in El Paso and San Antonio and have higher voting Latinos. And the state of Texas took out the higher voting Latinos and put in lower voting Latinos. On paper the district looks much more Latino and better, but did not actually elect a Latino preferred candidate. That was intention. But it can occur accidentally.

The next caveat I will mention is shape.

You know, Section Two, as an example, I used the districts all look very nice and square. But Section Two districts oftentimes can look funny. And that is perfectly okay because communities actually sometimes look funny, right?

This is an example out of Chicago.

The most of the population lives in the two parts on the top and the bottom.

They are Latino. There is an African/American community in the middle. And to meet the continuity requirements,

They added in some neighborhoods to, you know, join together the two parts but really, they are not very far apart physically in terms of the two heads. And people cross them and go to shop and work across those areas all the time. So this is an example of a district that many times people don't like but it actually is a cohesive Latino community and was recognized as such in the drawing of this district.

This is another example of a district that sometimes is controversial.

This one is a Latino majority district that stretches between Austin and San Antonio. It also is one that courts found is required by the Voting Rights Act even though as you can see it stretches along the highway to join two distinct Latinos communities together. So Section Two districts can look funny. And don't be dissuaded by the shape.

The next caveat I have is you should avoid racial gerrymandering. What is racial gerrymandering? The Supreme Court also said you cannot -- you have to draw Section Two districts. And you cannot draw a district predominately on the race. You have to join together people who have at least something in common besides their race.

And so that can kind of make things hard because you have to draw a race -- a district of remedy of racial disparity, but without thinking too much about race and that can be kind of tricky.

Historically this was a claim that was brought by white voters to challenge Black districts, racially Black districts in the south. But it is increasingly a claim that it was also being used in other -- for other purposes.

This is an example of racial gerrymandering. The first Congressional District in North Carolina, you see the long arms coming out. Those were added to the district in 2011. Then the district was redrawn to increase the Black percentage of the district that the Court found like you were joining together Black populations that really had nothing in common besides the fact that they were Black. And so you were over thinking about race; whereas, if you had -- if they had been able to show there was some community or something that was there and common interests, that would be fine.

The next caveat I will add is like when you create Section Two districts, they don't have to be actually majority.

Like you have to create Section Two liability you have to show that you can draw a compact district that is majority Black or majority Latino.

That is a prerequisite of liability.

Once you establish liability, you can, for example, draw a district that is 48% Black or 47% Latino.

If it performs for the Latino community and if there are sort of other needs that you have like keeping a city together or you know, avoiding Perry incumbents or any sort of other things people consider legitimate.

So, you know, establishing liability is one thing.

The remedy is different. And the remedy cannot be a majority Black or majority Latino or majority minority district. It can be a district that is less than that as long as it performs and as long as you are doing that for good reasons.

The last thing I will add on this, I'll stop after this, is that, you know, even if a district is not required under Section Two that does not mean you can't draw districts that are electorally favorable to minorities if you comply with the other requirements of law.

So, for example, in a situation where you have two possible districts, one of which would elect a Black preferred candidate and one of which wouldn't, you can create the one that would elect the Black preferred candidate if, you know, you are recognizing certain -- in Michigan, for example, if you keep certain communities together and decide those are the communities that sort of should be kept together. Like a Black preferred



candidate, those are two different things. And Section Two does not limit when you can create districts for Black candidates.

And I will have some additional slides but I will stop there.

Happy to answer questions at the end of this.

>> All right. So I think we want to try to get through the panelists, so that they all have a chance.

I think there is going to be some overlaps since we did not fully coordinate.

But next up is Leah Aden of the NAACP Legal Defense and Educational Fund.

>> Leah: Thank you so much and good afternoon to everyone. I'm going to add to the chorus of panelists today. And I have poked around some of your previous panels to add my thanks for all embarking on the process together.

It's an awesome mighty task that you are embarking on of insuring fair maps and nondiscriminatory maps for your state and for the people that live in it.

I'm aware that you have already heard from Justin Levitt and Ellen Patz, both of whom are great scholars and in their own Bailiwicks practitioners of the Voting Rights Act. So I endorse not just what they have already provided to you and we will drill down and reiterate on what they have raised as salient points as well as what Michael has also begun to develop today as well.

So my marks may be reminiscent of some of theirs and others that you have and will hear. But I think that repetition is meant to signal to you all that there are certain key information that you have to hold on to throughout this process.

And it has to be on your radar, and that of others as you embark on this process of redrawing the lines.

My perspective is going to, however, also come from the fact that I advocate on behalf of Black and other communities of color at the NAACP Legal Defense Fund who in the context of apportionment and redistricting means that I'm concerned that the processes for considering and drawing maps are open, they are transparent, that they meaningfully consider the input from communities and not just hearing communities, it's receiving the information, considering it, incorporating it, explaining to communities why the -- their suggestions may or may not have been adopted.

That is part of instilling I think why this Commission was started, but which is trust in the process and trust in what the outcomes are.

And, from my perspective, it's very important that we reiterate the topic of this panel, which is that maps have to comply first and foremost with the Constitution and the Voting Rights Act.

That is the absolute minimum requirement that we all have to be operating from the same perspective on.

So I'm focusing again on Section Two of the Voting Rights Act, which I know you will be hearing more and more about because it is your obligation now to meaning to be



considerate and comply with it even before any map is enacted. So it's not just making sure you have complied after the fact when a lawsuit is on the horizon.

It is about considering your compliance obligations now and through the process of considering maps.

That can go a long way, as you have heard, towards avoiding litigation, which is costly for everyone.

Including the communities that I have represented in bringing Section Two claims.

So Section Two protects against minority vote dilution and cannot explain that too much.

It applies nationwide, which means it applies to Michigan.

Section Two reaches the districts you're concerned with, Congress and state legislative bodies. But you should know you're not the only people obligated to comply with Section Two.

City Councils, County Commissions, school boards, other legislative bodies have to. And State Court Judgeships have to where the circumstances provide.

And I note this because it should give you pride that not only the maps that you are developing in consultation with many others, not only are they important for the sake of electing Congressional representatives and state legislative members, they can become the benchmark and they become the maps for the next decade. They become the benchmark by which future maps may also be drawn.

And they also may become maps by which other bodies throughout the state will look to, to say what were the principles that guided this body?

And so your maps and the maps that are going to be drawn collectively have a great import.

So vote dilution occurs when an election system or redistricting scheme not only is just adopted but when it is maintained intentionally or not to minimize the political power of minority voters, usually people of color, so that they don't have equal opportunity as do the majority of voters, usually white voters, to elect their candidates of choice.

I want to emphasize a Section Two promises opportunity.

There is no guaranty of outcomes.

It's an equality of opportunity principle.

And that is that everyone have a chance at electing their candidates of choice.

Vote dilution typically occurs in the context of at-large voting, which you have begun to hear about, when 50% plus one of the majority of voters, they control the outcome of the elections for all the seats on a particular body.

But for your purposes vote dilution can also occur when you crack minority voters, communities of color among various electoral districts to avoid creating a concentrated majority-minority district where the circumstances allow.

Vote dilution occurs also when you pack minority voters into one or more what we call super majority-minority districts.

That is where districts have perhaps 70%, 80% or 90% of Black voters and that is done in order to avoid creating multiple districts, multiple additional majority-minority districts.

One of the leading cases that will guide you, the researchers and others, and you have been hearing about it, is this Thornburg versus Gingles case. That sets the standard for how to comply with Section Two and how not to run afoul of it.

And when you read that case, and you should read it multiple times, you will learn that an electoral structural plan is diluted and violates Section Two when minority Plaintiffs have been able to propose an illustrative net. In which Black voters, for example, are large enough to form the majority in a geographically compact single member district.

To put it differently, one or more illustrative majority-minority districts.

This map also has to respect state districting principles which Michael has talked about, others have talked about, and I'm going to drill down on it a bit.

I want a note here that these proposals are likely to be the ones community members are going to offer to you during the process to show you a way not to dilute their vote if that is happening or to provide you with alternatives to what you propose. So those have to be considered as well.

Second, Plaintiffs have to show, as Michael tee' d up, that minority voters usually vote together as a Black premier preferred candidate. And usually does not mean always. There will always be exceptions to the rule. The test is usually.

And Plaintiffs have to show that the majority of white voters vote consistently, but not always, to defeat the minority voters' preferred candidates.

Those two requirements are referred to as racially polarized voting.

You have come to hear that term.

And it is key.

It is at the heart of what you are trying to address with Section Two compliance.

Those voting patterns are what you are trying to overcome by creating majority-minority districts.

You hear different examples of them.

I'm going to give you another one.

In a five-member at-large City Council, that is a body where all the voters vote for all five members, it's in a city where the population is about 40% Black and 60% white. Black candidates have run in elections but they never get more than 10% of white voters' support or 6% of the total vote.

But they always get about 90% of Black voter support or 36% of the total.

Under this system and with those voting patterns, the candidates preferred by white voters, commonly white candidates, but not always, they win with those patterns no matter the political affiliation or qualifications of the candidates.

You have to envision those patterns occurring at state and statewide contests, not just in the local ones that I described.

And in our country, in Michigan and elsewhere, race remains a great -- one of the greatest predictors of voter behavior.

The majority-minority district as I mentioned in the map is meant to provide minority voters with a chance to overcome those patterns and elect their candidates of choice where the circumstances provide.

Michael reiterated, you can draw the map with the majority- minority district. You have evidence of these patterns in voting along racial lines.

And then Plaintiffs have to show all of these other circumstances that surround it to make the opportunity to participate unequal.

And this is the totality of the circumstances analysis that you have been hearing about.

I'm going to briefly go over these indicia of totality of circumstances one more time because the main point of them is that you don't have to show all of them.

You -- there are some of them that are more important than others.

And what is important about them is that community members are going to talk -- be talking to you about history.

And they are going to be talking to you about their experiences with racial discrimination.

They are going to be talking to you about racial campaign appeals during elections.

They are going to be presenting evidence of why these communities need to be combined in a district because they share things in common and that is part of the evidence that you have to consider.

The context by which you have to view the maps and the decisions you are making. So we cannot reiterate that enough.

So the totality includes looking at discrimination in voting historically and into the present.

The past is the present and present evidence is while the most important, the past does matter.

In a particular state or a sub jurisdiction, those block voting patterns is key evidence that you have to look at when you consider the whole picture.

Things like the majority vote requirement or that people have to run for particular seats. That is very key indicia to consider.

Whether or not there is continued public and private discrimination in housing and education and employment and healthcare, all of those things matter.

Whether or not minority candidates have been successful for statewide offices like the Secretary of State or Governor or whether they have only been successful when you draw them majority-minority districts for the state legislature or for Congress, those are the types of things that you're going to hear about.

Whether or not the existing plan has enabled and the existing elected officials have been responsive to the needs of minority communities.

That's part of the context.

And whether or not you can justify your decision making or whether or not your decision making is seen as tenuous or not backed up by the evidence, that is the kind of information that is going to be considered in determining whether or not a plan dilutes minority voters' political power.

I mean, minority voting communities political power.

Again, racially polarized voting whether minorities have been elected to positions is the key evidence.

But the history and the ongoing record of discrimination is also key because this is what shows the link between the discriminatory impact of a plan and racial discrimination operating in the community.

Again, community members are going to lift this information up.

They are -- and you should be seeking out answers to these questions as you go about drawing these maps because, again, context matters.

Context matters.

So you're likely to hear about how DOJ had to bring the Department of Justice had to bring Section Two litigation to protect Black voters in Eastpoint, the City of Eastpoint. You may hear about the Federal Court finding intentional discrimination under Section Two and the Constitution and the abolition of straight ticket voting. And people will be presenting this information and saying this is why we need representation, because of these other things happening in our communities.

And, coming to a close, but I want to go back to this map.

And developing a majority-minority district.

You are very much aware that Michigan has set up principles that are supposed to guide the process. The Constitution and the Voting Rights Act are the top priorities. Trying to get for Congress as near perfection when you allocate people among districts is the goal.

And when you are drawing state bodies trying to get as close to even population as possible is the goal.

And so is Voting Rights Act.

That is the base that must guide you.

And then you layer on top of that a consideration of other principles that Michigan has held up in esteem. And that includes ensuring that you're drawing communities that are compact, particularly that the minority community is compact and the regularity in the shape of the district that you are drawing. And I will reiterate what Michael has mentioned, which is and what Justin Levitt mentioned, which is don't just judge a book by its cover. There is no normal-looking shape even when people try to tell you otherwise, you have to understand why the shape looks the way it does.

It very much follows where people live and the decision making that goes behind it.

But the compactness is something that you need to be aware of.

Maintaining communities of interest, and this is a real thing.

This is about drawing districts in which populations are combined because they share schools.

They share memberships and civic organizations.

They shop in similar places.

They use similar parks and recreational facilities.

They have shared media.

They are real tangible things that go behind this community of interest analysis.

I will be very clear that those state principles though are subjective principles that never are elevated above compliance with the Voting Rights Act and it should be achieving population of quality.

Those are your first, first, first priorities. So sometimes those other obligations are going to have to give way to making sure you allocate people evenly among districts to the extent possible. And that you are creating opportunity, ability to elect districts for minority communities where those districts can exist.

Justin Levitt uses and adhering to the speed limit. But sometimes you have to have the flexibility to go above and beyond it because of the circumstances. That is the exact metaphor that I think is applicable.

And as Michael just mentioned, while the Sixth Circuit prohibits combining minority communities to try to satisfy the Section Two requirement, the first priority is to look for if there is a Black community that is geographically compact, sizable enough, has these voting patterns, that is the first obligation is to try to create those districts where the data demonstrates.

I'm going to close by saying that you're going to hear people say vote dilution is not happening.

This is about party.

This is not about race.

And the electoral outcomes, the fact there have been very few to little Black statewide candidates, this is because of party.

This is not because of race.

Or minority voters, how can they be diluted when they -- their registration rates are high, when turn out is high, how can there be discrimination when those two realities exist?

You're also going to hear we can't create this geographically compact minority community because without racial gerrymandering, which Michael raised, without lassoing in Black voters from the far flung places to try to create this compact district.

And I want it to be in your head that if minority voters are harmed to achieve partisan power or partisan power is an excuse to harm minority voters, each of those can run afoul of the Constitution and the voting rights act.

And I note this was part of the discussion post 2010 in Michigan related to maps that were drawn,

Arguments that this was just party.

This was about protecting against democratic control in certain parts of the states. But who lives in those areas is what you have to then drill down on. And if those communities are harmed, then that is going to raise a lot of red flags and subject maps potentially to challenge.

It's also the case that vote dilution is about what happens after people turn out? What happens after they register and turn out? It's about whether their vote has meaning. And so whether registration rates or turn out is high is really not the question. It's about whether or not your vote means as much as your neighbor's.

And, last, minority voters don't have to live in the most hyper segregated areas of a jurisdiction to meet the geographically context requirement. It's a good thing that we don't live in the -- necessarily in the same segregated conditions that we once do.

But that doesn't mean that you can't draw geographically compact districts. And, similarly, pay attention to, you know, issues of gentrification and other things that are going to be part of the testimony that community members are going to raise.

All of this requires expert support. You're not supposed to do this alone. Even advocates like myself, we work with consultants. We hire experts.

And the amount of time and energy you put in on the front end to hiring people to work with you, the lawyer who is going to advise you, the experts who are going to work with you, it's worth it because the litigation on the back end takes years.

And it costs sometimes hundreds of thousands, if not millions of dollars to resolve.

And so the energy that you are putting in on the front end is well worth it.

All of that is quite ordinary and necessary.

So there is so much more to say. I appreciate your attention and I look forward to your questions.

>> Matt: Thank you so much. And I'll just reiterate, of course, that this is not only your legal obligation; but the top criteria that you're going to be implementing. And also that all of these principles about tradeoffs and delusion and everything else are also going to be important for everything else that you do. So this is sort of the top, top part of the conversation.

Now, next I would like to introduce David Becker, who, as you heard, is the director of the center for election innovation and research and has been a friend of the State of Michigan in election security.

But also has a history of serving as senior trial attorney in the voting section of the Department of Justice Civil Rights Division.

Take it away, David.



>> David: Thanks, Matt. And thanks to all of you for having me here, as Matt mentioned, I've been doing this a long time, although I've been away from litigation for a little while as I've been working on other areas of election and specifically in Michigan. I served for seven years in the voting section of the justice department, litigating many, many redistricting cases so I have a lot of experience in that over the course of my career.

And I'm mostly the guy who is grateful that I get to follow Justin and Ellen and Leah and Michael because you've heard almost all of this information. And I'm sure to some degree it's overwhelming.

There are people who have been doing this for decades and decades and still learn new things because map drawing is very much an art as much as it is a science.

And I want to take this a little higher level because you've heard a lot of the details that I think are really important. And I'm grateful that everyone talked through those, about why Section Two of the Voting Rights Act does what it does, why it was enacted in the first place.

And it was because what we saw prior to the Voting Rights Act of 1965 and even today, we see white line drawers seek to maintain political power by drawing lines in such a way that can minimize or dilute minority voting power.

And that really happens.

It still happens to this day.

It was probably much more common 50 years ago, but it still happens.

And it's one of those things because minorities are by definition in many cases the minority.

They don't have much electoral means to overcome that.

As Michael showed with those charts, you know, that is never the way population is actually dispersed, which is too bad, because but it's a great way to show it.

If a minority forms 40% of the population, it is actually pretty easy to make sure they get 0% of the representation.

And so ultimately Section Two of the Voting Rights Act is about fairness.

And I want to stress that.

That is not about perfection.

It's really hard to draw a perfect map.

And it's very, very likely there will be people in certain areas of the state that not thrilled with how the maps come out.

In fact, that is a guarantee.

Okay, you have all taken on a really important task and there is no way to please everyone.

But the maps don't need to be perfect.

They just need to be fair objectively by the measures that Michael and Leah both talked about.



Now, under Section Two, they look at this both from an intent and result standard. So from an intent standard, that is probably not going to be relevant here. I certainly hope not.

I know all of you are focused on being as fair as possible. So we are not going to see what we have seen in some places where the line drawers often for political and racial reasons seek to actually minimize minority voting power.

And whether they achieve that or not, that intent alone is enough to strike down a map.

But even if the intent is not there, if a map minimizes or dilutes minority voting power under the standards that you just heard about, that is a violation of Section Two of the Voting Rights Act.

And so that is obviously going to be something that is in your mind as you look at this.

Now, when we are talking about fairness, this is an objective measure to the degree that we can determine that.

That does not mean maximizing minority voting power.

That does not mean that if African/Americans make up 15% of Michigan's population that there has to be exactly 15% of districts that they -- that African/Americans can elect candidates of choice.

And it doesn't mean that 12% is too few and 18% is too much.

It's what they are looking for is where minorities are large enough and cohesive enough in their voting efforts to be able to otherwise elect candidates of choice. And you cannot dilute that through, and Leah mentioned this, things like packing where you minimize them by making super minority districts, 90% minority districts. Or by packing where you take them and put, you know, 15% Black population in every district where they could not elect a candidate of choice.

So I want to stress that.

Just keep that in the back of your mind.

That fairness is what they are looking for.

And this gets challenging because even when we are talking about racially polarized voting, and you've heard that term a lot, racially polarized voting needs to be prevalent. And racially polarized voting can look different in different places.

There are some places, even in Michigan, where racially polarized voting is very severe, Where you will see statistically nearly white voters going 100% nearly for white candidates.

And minority voters going for different candidates.

And there are other places where it's a lot closer, where there are, particularly, this is not always the case, but in a lot of places around the country there are suburban areas. There are areas often perhaps around college campuses and others where racially polarized voting exists to a much lesser extent even if it exists at all. So it's very, very important to keep that in mind as you are looking at this.

And when you are looking at racially polarized voting, a couple things to keep in mind.

First, historically, a minority preferred candidate in some cases isn't a minority. If minorities are still coalescing around the candidacy of a particular candidate and that candidate happens to be white, that is still a minority preferred candidate particularly where white voters are choosing a different candidate than the minorities are.

That doesn't happen -- I wouldn't say a lot, but it happens often enough it's something to keep an eye out for.

Just because you see white candidates get elected that does not mean it's a place for a minority opportunity candidates have to look at election history to see if minority voters are overwhelmingly supporting a different candidate than white voters are, even if both candidates, for instance, might be white.

Another thing I really want to stress to you it's really going to be important to look at primary election results.

It's not just going to be about general elections. As we know there are places in every state, certainly Michigan, where the outcome of the primary is determinative of the outcome of the general election.

Right, you all know that.

You know there are places where republicans are much, much stronger and places where democrats are much, much stronger.

And in those places, you have to look at primary elections.

And really get down to see what other -- in -- even in like say in a democratic primary, is there a white candidate against a minority candidate or are two candidates running against each other and one is very much minority preferred and one is very much white preferred. And if that is the case that indicates racially polarized voting as well particularly when that candidate is almost certain to be elected in a general election. Keep that very much in mind.

Last thing, I just want to make one really quick point about something I'm sure you are thinking about, which is the delay in the census results coming out and the pressures that are going to come as a result of that.

That's going to be a challenge for you all. But it doesn't mean your work has to wait until the census results come.

I'd highly encourage you all to look at the various data that is available to you now.

Election results, voter registration files, political data, other data that is available now.

And start the process of thinking about where you see communities of interest, cohesive communities of interest in the minority community who may be able to or are electing candidates of choice in some cases.

And you can start even now with kind of outlines of what districts might look like and getting expert support here is going to be very, very important.

I totally agree with Michael and Leah on this.

That can start now.

And then having -- as I've actually sat at computers and, you know, dragged census blocks across district lines and things like that.

You know, having that experience is really helpful.

And you probably -- you might even get in that practice before the census results even come in,

You might even get a pretty good idea what the lines are going to look like. And then have minimal changes you need to make to reach the kind of population equality that is required in the statewide plan.

So keep that in mind.

I think I'll end there.

And I'd be happy to answer any questions being cognizant you have been ingesting a lot of information. And I'm really -- I want to express my gratitude to you all volunteering to do this.

This is a difficult job.

And it's a very important job as you all know, so thank you for that.

>> Matt: Thank you. So we are a bit late getting started, and so Michael unfortunately had to drop off before we were able to get some questions in for Michael. But we do still have Leah and David.

And we have Michael's presentation, so any questions we can answer?

Richard.

>> Richard: Yes. I'd like to thank you for coming and giving all of us this information. The question was for Michael.

Right at the beginning of his statement he said the Voting Rights Act has diminished this last few years. And I guess I wanted him to explain that if he could.

>> Is Michael off, Matt?

>> Michael is off.

>> Richard: I didn't know if any three of you could explain that or what he meant by that.

>> I will just say Section Five of the Voting Rights Act, which allow -- which required preclearance by the Justice Department of redistricting plans in several states, including Michigan, because a couple of townships were covered in Michigan, is no longer applicable due do a decision about six or seven years ago, 2013 or 14, Leah, Shelby County which basically said the targeting formula was no longer constitutional. So that is no longer at issue.

I think the rest of the law that Michael and Leah laid out is still very much applicable under Section Two.

>> Richard: Thank you.

>> And Leah and the litigation team as well.

>> Leah: Yeah, that is exactly right. And even though it is no longer Section Five, that preclearance requirement is no longer alive and well, the process that you're setting up by which community members have to be involved, which has to be open and transparent, where it has to be notice about maps, where there has to be engagement with communities, that is a large part of what Section Five obligated you to do. But there are other laws like your open records laws or the requirement not to defy the Constitution, which also require you all to do some of the things that Section Five requires.

Though it's gone, there are many other protections to ensure that processes are open and that maps don't discriminate, so know that.

>> Matt: I think MC is next.

>> MC: My question is it's if we are going to try -- before we get the census data, the question I think is determine where the racially polarized voting is severe in Michigan. It seems like there is historical data that we want to look at.

As we look at -- and I think that is not for us as the decision makers, right, that is what our team will be doing.

The question is: When do we -- I guess I'm thinking about the historical data versus or not versus but maybe in addition to the current data, when can we as decision makers say, okay, we can conclusively say, right, because we don't have and we won't like we have that current data, is there a benchmark, is there some question, is there something you might suggest we look at in terms of determining where racially polarized voting is severe, again, historically, that we might say, okay, we can sort of understand this enough because we have this historical data?

>> Leah: This is the Thornburg versus Jingles case that I mentioned. The Supreme Court case from 1986 provides a great framework. The political scientists who largely study the data use that case and have come up with this methodology that says you should look, at minimum, the past three electoral cycles.

So you're looking at past elections, but they still need to be relatively recent.

And you look at, at least, three or so of the last election cycles, to the extent that information is available, and the main test that the scientists are looking at is for Governor, for example, or for the president, looking at the make-up of particular precincts, do you see patterns when you look at the precincts amongst how Black voters have compared to non-Black voters vote for that office when they are given a choice of to vote for that candidate, or not?

So, in short, reply upon political scientists. There are cases that guide them. There are standards in their fields that guide them.

These elections have already happened that you can look at, so you are not predicting how people will vote in the future.

You are looking in past, recent elections. And you could look at what happened in the 2020 cycle for elections that are relevant and then the years that preceded it.

So that is something that you could get going on now if you identify who the person is, who is going to do that analysis.

Folks like me are already doing those analysis because we want to be able to say not only can -- do we think the demographics in this district provide opportunities to redraw the lines, but it's backed up by recent elections where we have seen those patterns exist.

So you can do that now based upon 2010 data, based upon the information that the Secretary of State is collecting about who is voting in precincts and what the racial make-up is, that is all available to you now.

>> David: Yeah, I will just build on that.

I would, you know, in terms of starting points, I would go back, I would probably go back to the beginning of this redistricting cycle when the last districts were used in elections. A couple of things.

I'd look at the precinct level first and I would probably prioritize looking at precincts that were overwhelmingly minority.

That is just a starting point. And you are going to get down further in some complaints. But you are going to start with, you know, political scientists, when they look at this, it's very instructive to look at how 80% minority precincts and 90% minority precincts are voting compared to other precincts and see if there is differences in who they are preferring and again go down to primaries.

Do not stop -- and a lot of times what some will do -- and I don't think you are going to do this, don't just look at president, don't just look at Senator, don't look at Governor. Go down as far as the districts you are responsible for drawing, which will probably be the state legislative districts, right. And voting patterns are very different in state legislative districts than in statewide elections. Nationalized elections often look a lot different than state legislative districts. So we will see districts where polarized voting won't look as bad in statewide -- in statewide elections, President, Governor. But when you get down to the legislative district level, you see very clear levels of polarized voting. And that is very common. I'm sure Leah would agree that we have seen that quite a bit.

So look all the way down when you are doing that.

I also want to stress something that Michael said before because I just remembered I wanted to stress it. We often used a shorthand majority-minority districts. And to be fair, courts have talked about that before. 50% is not a magic number by any means. The key here is opportunity to elect candidates of choice. That is what we are talking about. And Leah really had a great point on and it doesn't require guarantee of these people being elected, but just an opportunity to elect candidates of choice.

There are districts that could be in the 30% range of minorities where they can elect their candidates of choice because they control who wins the primary and then there is enough white cross-over voting to allow for their candidate of choice to be elected.

A great example of that for instance is John Lewis' old district in the Atlanta area, which was not 50%. And there was a district next door that was also not 50%.

So keep that in mind that it may be very possible to draw districts that are into the higher than 30s even and still are electing candidates of choice. But you can't go so far down that you reduced the opportunity.

It's a crap shoot whether or not minorities will cohesively elect candidates of choice. So this is one of the things. You have to dig in the numbers and look at the election results. I would go all the way back to state legislative elections probably back to 2012 if I were choosing a place to start. And look at the first precincts that were heavily minority to get an idea of whether racially polarized voting might be something to dig into a little more.

>> We are almost up but I do want to ask if you have any suggestions. You are going to be interviewing VRA legal counsel and candidates soon. And is there something they should definitely be asking?

>> Leah: Their familiarity with minority voting rights and compliance with the Voting Rights Act and the Constitution. There are -- and it's possible to learn the law. And I was someone who did not know much about the Voting Rights Act in the jurisprudence. And I learned it but I often learned it through it and doing the cases. But you guys will be getting data soon, and you could be doing so much now and then running with data that is updated. And getting somebody who is familiar with the Section Two jurisprudence and the constitutional jurisprudence will aid you and they have an expertise. I think someone who is familiar with working with the political sciences that David just mentioned, familiarity working with the demographers, the people that draw the maps so that you can marry the legal principles with practical realities of having to analyze the data and draw the maps. And understand the salience of the unity of making sure that the process is open and transparent because the record of community members are able to participate even in the pandemic. And how you consider what they propose and incorporate that into your decision. How do you explain to the community of why the lines look the way that they do. That is just as important as where you end up because the Constitution and Voting Rights Act provide access to the process just as much as the outcomes.

>> I will just quickly add two things to that very good list from Leah. One is someone who has experience working with the GIS, geographic information software. It's really helpful to have lawyers and experts. And experts will, but the lawyers especially. I mean, you will have people who actually know what it looks like to take in data on a map and sort through various data and be able to move blocks around and see how that looks. That is going to be really helpful to you.

And the second thing I'd like to add is someone who either has or is willing to understand and learn the particular esoteric nature of Michigan population. And not all white populations everywhere are the same. Not all Black populations everywhere are the same. Not all Latino and Asian and Arab-American populations are same. And



they are not monolithic. There is differences in different areas, and understanding those differences or being willing to learn those differences is really important.

There is going to be, you know, the white populations in Ann Arbor are going to be very different than the white populations in Grand Rapids probably. And that is not a judgment of either of them. It's just a fact. So something to keep in mind as you are interviewing people.

>> Thank you. So we are over and we would like to go on, but I know Doug and Richard had questions, so, Richard, you can make an executive decision.

>> Justin and Allen said they would be available after the presentations and if there are additional questions and if there are resources. I think we mentioned LDF in addition with the Mexican American Legal Defense Fund and Asian-American Justice Center are putting together quite a comprehensive guide meant to explain the very complex legal principles and digestible ways. And we are happy to share updated information and give you everything that you need to do what you are being called to do. Which is a mighty task and s very important one. So thank you again.

>> I'm happy to stay on for a couple of minutes if you want to keep going, but also Matt has my contact information and I'm happy to answer anything by e-mail if you want to reach out and contact me.

>> So we will pass on the contact information. And I put the resources again that Leah and others submitted. And please join me in thanking Leah and David and Michael for joining us. Thanks.

>> Steve: Thank you, Matt. And thank you, David, and Leah. And, Michael, it's always good to hear from the folks who know and educate us, the folks who don't know but have to learn. And we will continue to try to do that.

Now, we have another presentation from Arizona Redistricting; is that correct, Sue?

>> Sue: That is correct. Would you like me to introduce?

>> Steve: I'll take a head nod. Is everybody good to keep going right now?  
Okay, yes.

>> Sue: All right. I'm very pleased we have waiting in the wings Colleen Mathis. She was a Commissioner with the 2010 Arizona Redistricting Commission. And I believe you have heard from her before.

So thank you, Colleen, for being with us today. And she suggested to come with her Ray Bladine. And I'm not sure if I'm pronouncing that right. Am I okay? And he was the executive director, so I don't believe you heard from Ray before. And, of course, I really want to hear from Ray too to see, you know, how his job went with the Commission and what that relationship was and how well they worked together. So thank you so much. And, without further ado, take it away, Colleen.

>> Colleen: Thank you, Sue. Can you all hear me okay?  
Excellent.

It's a delight to be back.



And I think I spoke with you in September. And so happy to be here again, and this time with our executive director as Sue noted Ray Bladine.

And I feel badly. I know you guys just came off of a heavy panel with really great experts on legal. And if you do need a break, I'm happy that we can let you do that for five minutes. And I feel a little bit badly; otherwise, I will just keep going. And I see a head nod.

And I thought I would share my screen just to level set everybody. A few of these slides you saw last time, but not all of them. And I just thought it might be helpful if I could pull that up.

And I will orient you to the Grand Canyon State and let's see if I can find it. I don't know if you can see the screen yet.

You can, okay.

Ray, can you hear me? Are you there?

Ray is the executive director. And the fun fact about him is he actually applied to be the Chair of the Commission just like me.

As you might recall in Arizona, we have five Commissioners total, two republicans, two democrats, and an independent who serves as Chair.

The independent can be from any party, that is not a republican or democrat. So they can be libertarian or green or anything. I happen to be independent. Ray also applied to serve. We are volunteers here in Arizona, not paid. And we both wanted to give back. And we both shared that belief. And that is how I know Ray was in the back room, while we are waiting to be interviewed by the various folks that were interviewing us. And just got to talking to them and liked them so much. And, frankly, if I were voting, I would have voted for Ray for Chair.

He is amazing guy and has a ton of experience in Arizona, having worked for the City of Phoenix for over 30 years. So a true Government and public servant and just knows a ton.

So we are happy to also answer questions after this,

Of course, but I thought I would just get through a few of the slides to remind everybody about our process a little bit and maybe it will spur some ideas that you want to ask us.

And, again, I know I know we only have an hour. And so if we need to serve or answer questions later, we are happy to do that.

So today just a quick overview on the process and results and some lessons learned that I hope will be helpful to the Michigan Commissioners.

Hiring key staff is, of course, job one.

When I was sworn in, in March, March 1st of 2011, it was just me and the other four Commissioners.

We were given counsel by the State of Arizona, so a gentleman from the Arizona Attorney General's Office was on loan to us to get started and up and running. But we

are essentially starting up a state agency from scratch, so there is a ton of things as you all know to do when you first start out.

And so that is what that is mainly fell on the Chair.

So I did not have an executive director, but I was also loaned by the State, someone from the Department of Administration, so some various Government staffers that were associated with the State of Arizona helped us find office space and hire people, Everything you need to do to start a business so to speak.

So I was very motivated to get our executive director hired and other Commissioners were, too.

It's just job one.

And so as soon as we could do that, we got around to putting together a detailed, you know, RFP, a job description of what we wanted to hire.

I actually reached out to Ray because I thought I don't know if Ray would even consider serving as executive director but because I had gotten to know him through his application as Chair, I just thought, oh, what a wonderful human being to have serving this Commission and the State.

And I reached out sheepishly and said, Ray, is there any chance you would consider applying? And the good news about being the executive director and the staff of the Commission is you actually get paid. So I thought there would be an incentive there, but Ray is not motivated by pay when you get to know him.

He is just Ray as I mentioned earlier.

So you see him there on the right. And maybe you can see him in your screen because I can't see him.

So that is Ray on the right.

And that is our deputy executive director whom he hired, Kristina Gomez. And the two of them, I think refers to themselves as a mutt and Jeff, but they just crushed it.

They were really great people to work with and did a ton of things. And I'm going to show you that in a second.

Another thing though is after we got Ray on board, we had to hire the major players to help serve the Commission.

And those are the legal consultants, which you just heard a lot about from your previous panel and the technical consultants, which is the mapping firm.

So in our case legal consultants consisted of two sets of lawyers. We ended up going with a republican leaning lawyer, so to speak, and a democratic leaning lawyer, so to speak. Because that is how the folks on our Commission wanted to run this.

The previous Commission that Arizona had, the independent Commission we had from 2000 to 2010 did it that way. And our Commission ended up doing the same thing. They represent all five Commissioners though.

It's not like just the Republican Commissioners Council represented republicans and vice versa.

They represent the body as a whole.

We also had a hired a VRA expert because as you know the Voting Rights Act is a Federally mandated criteria that you have to comply with.

Arizona had that additional hurdle.

We were a fully covered jurisdiction under Section Five. And that meant we had to, you know, have our maps precleared by the Department of Justice before they could be used, which added three months to the timeline.

So the fact that you heard, you know, the Section Five is no longer enforceable since the Shelby County case, that test frees up time for the next Commission that will still have to comply with the Voting Rights Act as you heard, but won't have to go through the whole preclearance process.

But we hired an expert to help us. And the person we hired had actually been on the receiving end of Arizona's submission ten years ago. So he worked at the Justice Department and he knew the things that they looked for and the kinds of analysis they want to see. And you heard about the racially polarized voting analysis that has to get done.

And you can see on the screen, too, we hired a person to do that, a third-party to validate and kind of what our maps had already been put together, but we wanted third-party validation of our analysis to ensure that we would pass preclearance.

To me it was a stated goal from the very beginning, and my fellow Commissioners agreed. Arizona had never passed preclearance on the first try.

And Michael was let's get this done right the first time, everybody, on both maps, the Congressional district map and the legislative district map.

We draw two sets as well. So they both have to be precleared.

Anyway we had a bit of a dream team so to speak because we did that. We actually achieved this.

It's the first time in Arizona history both maps precleared. So to the extent your Commission needs any advice on legal counsel, I know that our -- the team that helped us would be glad to advise you in any way.

They were truly exceptional as were our technical consultants.

I know that we can give you advice in that regard.

So when we were getting started for this presentation today, I also talked to Ray ahead of time and said, hey, you know, what tell me, you know, let's go back and think of all the things you did as the executive director.

And this is the list that he came up with.

And there is more.

The last one there is a catchall because it's essentially you do everything else that is requested by Commissioners, lawyers, technical consultants and the public, so it's a huge role.

I know Sue can appreciate this,

Surveying your Commission.

And Ray only had to deal with, you know, five of us.

He has a lot more of you guys.

So I know it's a big load.

And but it's so important.

It is just he is the glue and he and his deputy executive director, they really held it altogether and kept things going on time.

And, Ray, I don't know if you want to say a few words at this point or correct anything I've said so far but please feel free.

>> Ray: I probably need to correct one thing.

>> Okay.

>> Ray: When you introduced me, they may think I walk on water and I tried that and I got wet.

>> But you do.

>> Ray: Well, no. But anyway I just wanted to point out that I saw the role from the beginning is doing the best I could to free up the Commission from all of the administrative activities that Commission is going to get involved in. I thought it important that the Commissioners had time to really focus in on the mapping, knowing the community and thinking about how they were going to do the best map for the State.

So I tried to list out the things that I got involved in. Other jurisdictions might want to do it differently.

But I do think the key thing is, is that when a new Commission comes in, there is no help and there is a sense that you have to do it all yourself.

I had a discussion a couple weeks ago with the new Chair of the Arizona Commission and that is the way she felt is now what do I do? I'm the only one.

So she is moving to hire the executive director, so you are a step ahead. And all I would do is encourage you to develop a good plan and working relationship to spin off as much as you can to the executive director so you have more time, besides the executive directors get paid. I don't think you guys do.

I know in Arizona we don't.

So, Colleen?

>> Colleen: Sure, Ray, I don't know if you can see the screen. And these are just some of the tasks that Ray kind of threw out there.

But, you know, budget preparation and administration was a big part of the job I know. We had an extra hurdle there because the legislature decided that we should be audited every month as a Commission. And Ray --

>> Edward: Excuse me, Colleen, is there any chance you can put your presentation in presenter mode?

>> Colleen: I thought I had. Sorry.

>> Edward: No problem. Thank you so much.

>> Colleen: Thank you for letting me know.

Let's see if we can get this going.

Yeah.

How is that?

Yeah.

And thank you, Commissioner.

Because the font was so tiny, I don't know how you guys could have read that.

It's tiny as it is, at least now you can see a little better.

So, yeah, this budget preparation and administration is a big one. And we were under a lot of scrutiny by the State and everyone.

The, you know, whole point of this Commission you want to instill confidence in the public in what we are doing.

And so we tried to be as transparent as possible with everything, with our record keeping, with all of it.

So the budget was a big part of that.

And we were audited monthly. And Ray and Kristina did a fabulous job of kind of managing that.

We also, even though that is an administrative task, there is a political component to this, of course.

We had to go hand in hand to the legislature often to get more funding to defend ourselves in all the lawsuits. And so, Ray, that was part of Ray's duties, too. He would go in front of the legislature and meet and greet and talk to people and say, hey, can you give us some more money? And so that is you know a big part of the role, too. Otherwise we wouldn't have a functioning Commission.

So he also did these things like coordinating possible meeting sites throughout the State.

It's a big job, too, administrative task that you're probably going to be going and doing, although with COVID, you know, who knows how much you will be doing online.

But we ended up doing all this in person.

So there is a lot of logistics involved in that.

And, you know, just really providing Leah's own services between the Commissioners and the consultants.

That was a very efficient way for us to work with our consultants.

We all had access, of course, independently to both technical and legal consultants throughout the whole tenure of the Commission.

But Ray could really make things more efficient.

And, you know, I should mention too with the open meeting law, he had to really liaise between Commissioners themselves, too.

We couldn't all communicate with each other. As you probably know, you probably can't hit reply all on your e-mails or send an e-mail to your whole Commission. So Ray was really that focal point that, you know, things went to him and then he could distribute to everybody.

So big part of the role, too.

And then, you know, I don't know if anybody has noticed some interesting ones on there. But we had we decided to go with a historic property for our office space, which I loved.

It was the super cool place in Phoenix, but it also apparently had a ghost and a few things inside that Ray also had to deal with.

So it's soup to nuts, you know, in terms of everything he did.

If anybody has questions on any of these later, we can talk about those during Q and A.

But, just briefly, the -- on getting into the technical consultants site and mapping, these are just the criteria that Arizona had to follow.

The first two you are going to be following too and probably many of the last four you are probably following to some extent as well.

But this is all laid out in our Arizona Constitution and provides a great guideline. And, you know, this is what we followed in terms of drawing those maps and creating the record to show that we were following those criteria.

Communities of interest you have heard about. And it is a very big aspect to everything an Independent Commission does.

In a way it's kind of at the heart of it because you're going to go out in all over Michigan and hear about communities of interest that maybe you never thought of before.

I know that happened to us.

And it was a wonderful part of the whole experience frankly is getting out into the field and talking to folks and hearing what they define as a community of interest.

These are some examples of communities of interest that were given to our Commission.

And Native American reservations, I know you have some in Michigan, we had 21 tribes in federally recognized tribes in Arizona. So it's a big part of our mapping. And it's kind of unassailable of interest with a sovereign nations with defined boundaries, so it's easy to say, okay, we are going to keep that whole.

It's a reservation.

But all the other ones are pretty subject to interpretation.

So you really have to listen to people and get them to tell you what those communities of interest are.

Competitiveness is a criteria that Arizona has.

I'm not -- I don't think Michigan has that to the extent, but we also have that criteria in ours.

I showed this to you all last time just to -- I wanted to bring it up again.



This was the Congressional District Map for Arizona from the 2000 to 2010 timeframe. The first Arizona Commission drew this map. And it's a great segue from that community of interest slide because that too that you see floating there is because of a community of interest.

So this is the Hopi tribe up in the middle of the Navajo Nation. The Hopi are completely surrounded by the Navajo. They didn't want to be in the same district as the Navajo at that time. That did not happen under our mission, but we were able to draw them in the same district.

But those are the kinds of things you learn about when you go out and talk to people and they tell you what you want. And the Commission has to listen to all of that input and come up with the best balance they can.

And, you know, to our credit they respected that community of interest and they figured out a way through a dry wash to connect them to another area of the State because of the continuousness requirement.

But you can see that that's going to blow compactness out of the water.

So that's another criteria.

So you can begin to see, wow, what is more important and how do I balance all these things?

That is going to become a big part of your decision making as Commissioners as you start to go out and listen to people.

So just keep that in mind.

Keep an open mind. And then you try to do what you -- the best you can to execute on the things that the public is telling you.

But I can tell you a computer would never draw that map.

So that just shows what an Independent Commission is capable of doing.

That is respecting communities of interest.

Anything else in that that I want to mention?

I think that's it.

So just the process itself, before drawing a single line, we went out and listened to people.

And I would encourage your Commission to do that.

Our first Commission in Arizona did that.

They went out on a listening tour and we liked that idea, so we did the same thing.

And our technical consultants went with us.

We had already hired them by this point. And even though we had not drawn lines and were not drawing lines, they came along and helped listen to that input, which was really I think instructive for them, too, in the mapping process that we got to a little bit later.

So July and August we go all over the state.

We travel 29,000 miles total in two public rounds of hearings.



The first round we are listening tour and the second round later after we had a draft map. So these are the places we went and where Ray helped organize, you know, meeting locations for us and the technical capabilities because we wanted to stream all of our meetings.

So there were a lot of logistics and planning associated with these tours.

Also, at the end of that, our technical consultant put together some great statistics on what we heard.

So that -- and this slide came from one of their presentations. And it's to show you just an example of what we are hearing in that first round.

How many people came up and spoke to us, what they were saying, what criteria specifically they were really focused on. And you can see communities of interest and competitiveness were the two criteria that really got a lot of attention from the public.

But these kind of things were super helpful to us as we began to try to assimilate all the input we were receiving.

So at that point and doing the listening tour, and in our case, and I don't know how your Commission is handling it, but we actually were issued laptops by the State of Arizona, all five Commissioners.

And the software that we chose was Maptitude. And that got loaded onto our laptops, so that Commissioners could then draw their own maps.

None of us were mapping experts.

But our technical consultant provided training to us on using Maptitude, one-on-one training with each Commissioner. And trained the public. They also offered a couple public sessions to train them in case they were really interested in people who wanted to be able to use Maptitude and follow our Commission to the extent they could. So I thought that was a really useful thing you might want to consider. And I don't know if you will do mapping or how that will be handled.

But I certainly did not become a mapping expert. And any of us at any time could go to our technical consultants and say, hey, we want to see, you know, XYZ, would you draw this for us?

And then we present it in session in the public meeting.

So we can do it both ways.

We can draw our own.

We can also ask them to draw it for us.

So this is just kind of an outline of -- we have very specific steps that we have to follow, that are laid out in the Arizona Constitution.

And it starts with a clean slate.

We did not start from that map I just showed you.

We have to start from zero and you do not consider any incumbent addresses at all.

And then you start with this grid map, which is strictly just a map of the state. And I'll show you one in a second. But it's got nine districts.

We had to draw the nine districts and 30 legislative districts. But you start from a grid map where the -- it's really just complying with equal population in each district as well as compactness.

But all the other criteria are not factored in so it's really just a computer-generated starting point so to speak.

And after drafting the grid maps, which we did on August 18th as you can see in 2011, so I was sworn in.

I'm just trying to give you guys a sense of the timeline because I know you are concerned probably about the late release of the census data.

But to give you a sense there, since I was sworn in March, we did not start drawing until August of that year.

So there were a number of months.

So I don't want you to panic yet, although I know it's getting probably pretty -- a little antsy in terms of getting that data to you.

But, anyway, there is a lot of time there still that we didn't do any of the drawing. We went and listened to people. And I hope that you guys can do the same in Michigan.

After adopting the grid maps, we met a whole bunch of times to adjust all those lines to reflect all the other criteria that we have to comply with and then develop the draft maps.

The draft maps we take on the road for a second round of hearings so we let people tell us everything we did right and wrong.

And then ultimately adopt final maps.

You can see our final map. Tentative maps were at the end of the year in December and finally approved in January.

And then we had that preclearance step.

So then we had three more months of waiting to hear from the justice department if they were going to preclear our maps.

So you won't have that built into your schedule either.

So there is some wiggle room.

And hopefully you guys can still get the job done on time without too much stress.

So just a visual depiction, again, starting from the clean slate.

And we draw the grid map on the upper left.

Then adjust for the additional criteria. And you can see our draft map that we took on the road there.

In the middle. And finally we met again after that second round of hearings and made more adjustments, and this was our final map in the lower right.

And that's what it looks like now in larger format.

And this map did, as I said, pass preclearance. And it also was challenged, you know, right after those maps precleared, but was maintained.

The maps stayed the same for all five elections of the decade.

So we never had to come back and redraw the map.

Our legislative district map same thing, except 30 districts. It's more complicated. And so it took a little longer I would say to draw.

But it ultimately also passed preclearance on the first try and stayed in place for the decade.

>> Julianne: Colleen.

>> Colleen: Yes.

>> Julianne: I apologize for interrupting you. I just wanted to mention briefly that we are in the process of the bid process for our line mapping and drawing technical services consultant. So you can -- you have not, but if you could please not refer to your consultants by their company it would be appreciated.

>> Colleen: Right. Totally.

>> Julianne: Thank you.

>> Colleen: I will move on. And thanks for the reminder.

So the results, you know, and the benefit of independent redistricting is engaging the public.

It's getting their input into the process.

And so to the extent you can maximize these numbers, more power to you.

This is -- these were the statistics resulting from ours that Ray and Kristina pulled together in terms of, you know, at the end of the day, this was the kind of input we had.

And the way we did that, too, and I encourage you guys to have just as interactive a website as you can, a portal, so that all of you Commissioners are accessible to the public. And the way we did that is, you know, we streamed all of our meetings. We also transcribed all of our meetings, including executive sessions, which are not posted on the website, but all of our public meetings and hearings.

All those transcriptions were on the website so that people who, you know, are interested or were not able to come to a meeting but wanted to could read what happened.

They could, you know, watch the video. The videos were archived.

They are still on the website actually.

So there is just -- it was just a way to ensure that the public could still participate even if they were not there in person.

So this was just, you know, it was one of the secret sauces I think to making sure our Commission did well.

And it also -- the public could provide public comment, that would become part of the record through our website. And they could also submit maps, files, and everything. And those got posted to the website as well.

So there was just a ton of information. And I would encourage you guys to do the same.

So the key lessons are lessons that you probably are already well aware of. But these are just some that I thought of. I think, you know, to the extent your Commission can get to know each other as people. It was a lot harder with our Commission I will say because we had five Commissioners. So a quorum, you know, is three.

And so you reach quorum very quickly.

You really cannot have out of meeting, out of public meeting or business meeting kinds of get-togethers, which is unfortunate because I think the best way to move forward as a team is to get to know each other as people.

And we weren't able to do that as much as I would have liked.

But that's the way that went in Arizona with such a small Commission.

I hope your team is able to do that more.

Hold public comment at all your meetings, and that's just a vital component to this. And we presented maps that they would bring. In if a commenter came in and said, hey, I've got a map. Can you load this up and show you? Can we show it in the meeting? We would say, yes, and so that is a really great way to also encourage that engagement and have people feel and it helps the Commissioners frankly so we can really see what they are talking about.

Having a great judicial branch is really helpful because, unfortunately, independent redistricting does not take away litigation.

And so you might have some lawsuits, but hopefully you've created an excellent record that you can point to, to show how your decisions were made and why they were made the way they were.

And having great press scrutiny.

I don't know to the extent you're getting that now in Michigan, but really somebody who is paying attention and reporting accurately to the public.

It's a really important role and becomes kind of part of that record.

And then hire well.

That is, you know, as I said, that is I think why we did so well frankly.

You know, we had a number of lawsuits brought. There were five total over the decade. And we won -- the Commission won all five of them, so it was a clean sweep. And we were really fortunate. And I attribute that to the excellent team.

So I don't know, Ray, if there is anything else that you want to say here. And we are happy, of course, to answer questions specific to anything we can help you with, we are happy to.

>> Ray: I would just mention when you were talking about how we went out and did the hearings, the consultant we hired took minutes at each one of those, just really thought points of what they heard and then provided that as a public document and also to the Commission.

And I think that was helpful also to just have everybody take a look at least one view of what was said at the meeting and what was important.

>> Colleen: Great point.

Are there questions from any Commissioners?

Or, yeah, if you are curious about anything, we are happy --

>> Ray: I would mention, I don't know what your financial situation is in terms of staffing, but Arizona spent about \$12 million on the Commission before ours. And the legislative budget council said we would probably spend the same amount \$12 million. But our first year the legislature only allocated \$500,000 and that is kind of the way our life went.

It was always going back to them for more money, supplemental appropriations. And probably, and I don't remember exactly, but I think we were somewhere around \$12, \$13 million by the time we were done.

We had a staff of at a peak of about nine people. And four of them were community resource people that went out and helped set up the meetings and coordinate. We had one PIO person, a deputy director, and a -- kind of a budget bill-paying position, also.

I think that we probably were staffed about right. Everybody had to spend a lot of time at work, but everybody enjoyed what we were doing. It was a very pleasant experience even though I got some real tough days and some tough things to do.

But we all felt we were a part of something very important and with that I will leave it.

>> Steve: Anthony.

>> Anthony: Thank you, guys, for this presentation.

This was very informative.

I think I speak for all of us when I say that all of us are definitely going to use this information to try to make you all proud and continue the work that you guys started.

The budget is definitely something that I think is on everyone's mind. Currently we are funded for about, it would be about 25% of what you guys are funded at \$12 million. And I think eventually we will have to go and ask for more money. So any advice you guys have on that, on, you know, best practices, would be great.

We are also in the process of reaching out to communities and deciding, you know, where to go. And, you know, just trying to reach out to as many people as possible. I'm wondering at your meetings, do you guys have any criteria to make sure the public that was coming through to give their opinion was acting in good faith? Like to make sure they lived in the communities that they said they were living in and, you know, stuff like that?

>> Colleen: Well, I think Ray should answer your budget question. But I would be happy to address that other question.

It's a really good one about communities of interest for instance.

Not all communities of interest are equal, so to speak.

And what I mean is, you know, I mentioned Native American reservations as being sort of a, you know, it's hard to argue with a reservation that is a defined boundary.

It's obvious and it's a sovereign nation.

So other times though people would come to us in public session and say my community of interest, and I'll give you this example because it was a great one.

We had a gentleman come up and address the Commission and tell us his community of interest. And it was essentially the boundaries which he defined as driving from his home to a tiny restaurant he really liked for dinner and then to his work. And it was a little triangle. And he was giggling as he was giving the testimony.

And it was clear this was not a legitimate community of interest in a traditional sense of the definition and spirit of the term.

So it was a light-hearted moment because we were all sort of laughing because we realized there must be a motive behind this particular community of interest. So I think all of the Commissioners should be, I guess, just on alert for things like that.

And sometimes it will be obvious and sometimes not.

We did ask everyone to identify themselves, spell their last names, and say who they were representing.

If they were representing someone, sometimes it was just self, which is totally great.

But if you are representing people, be authentic and honest with everybody about who you are and because that allows the Commissioners to, you know, to take that input to heart and understand it. Whereas, if you are trying to obfuscate things, your testimony becomes less trustworthy, frankly.

And you kind of feel like, well, I don't really buy that. And I'm not going to take that into my account as a Commissioner, and that can happen.

So really, you know, if people are representing a certain partisan interest, they should just say so. And so we always encourage that.

But, yes, you should definitely during public comment ask for that and have people self-identify.

And, Ray, anything on the budget that you would add out there? Best practices?

>> Ray: Yeah, I think what we did learn, and I'm not sure it applies to all Commissions, but that, first of all, we didn't have a very friendly legislature to the Commission.

I think they still felt they should be the ones doing the line drawing.

So.

>> Colleen: I think that is a fair assessment, Ray, given they sued our Commission so.



>> Ray: So, anyway, I think the two things that were important in getting additional appropriations was, one, establishing some form of a rapport with the speaker of the house, the president of the senate, and the two budget Chair.

And we did that early to give them a heads up that there is no way we saw that this was going to be enough financing and gave them a detailed budget for the amount of money we had allocated.

And then we told them we would come back with better figures.

We worked with the legislative budget committee, which they trust, the legislature, and asked them to kind of help us how best to formulate and present the information.

Then once we kind of got established some rapport, we thought it was very important to be transparent to them, too, that they would know that what we told them was true. And I can remember the president of the Senate saying, gee, do you need all those people?

This was towards the end. And I said honestly right now, no. And as long as we don't have a lawsuit and have to go out and do hearings again, we wouldn't need them. And I think he was surprised that I answered, yeah, we are over staffed. But he also understood that it was not time to cutback and lose everybody until we knew where we were going to be.

We gave them probably if not monthly during the peak activity at least once every couple months updated information.

We did send them our expenditures. And as Colleen pointed out, at one point the legislature wanted us to have the state comptroller every month go through of all of our bills to find out if they were legal or not legal.

And, frankly, we had a good working relationship with the comptroller and he gave us the rules up front and we followed them.

So we never had an issue with that.

But I don't know how this fits into your situation, but I don't know how you're going to be able to frankly to do much with the kind of money you have given in our state that just the travel alone is a huge amount of money. And if you don't do the travel, I think it's hard to say that you listened to the people and drew the maps that way.

So I don't know if that helps, Anthony, but that is kind of my perspective.

>> Anthony: No, that definitely helps.

We will -- and that work was done by -- who was that done by primarily?

>> Ray: Primarily by myself and Kristina. And it could be done by anybody that the Commission thought was at the right.

I think at one time we or the last Commission the Chair did a lot of that.

But I think that we decided early on that when the legislature decided to remove Colleen and the Supreme Court put her back in, that probably she was not the one they wanted to see.

Not that I'm --



>> Colleen: Very diplomatic.

>> Ray: I was neutral.

So that is why we did it.

>> Colleen: Very diplomatic there, Ray.

>> Doug: I have a question for Colleen.

>> Colleen: Sure.

>> Doug: This is geared toward your slide on process.

It appears to me that you did a top-down approach by taking the state and then dividing it into, what was it nine districts?

>> Colleen: Yes, on the districts.

>> Doug: And then manipulated the districts to get your final maps.

>> Right.

>> Doug: When we talked to California a week or so ago, I characterized their approach as a bottom-up approach compared to your top-down approach where they identified, and they recommend doing it this way, they identified communities of interest and then building out from there to get the districts. So two different approaches. And I wanted to get your comments on why you took the approach you did.

And how difficult it was to do it that way and would you recommend doing it California's way?

>> Colleen: So we actually -- it's interesting. It's a great question. And in the Arizona Constitution those steps that are outlined, we have to start with this grid map, so to speak. And start with a clean slate, then just to get the population onto the maps so to speak and the districts onto the map. They require the grid map step. So after that everything was sort of adjusted to deal with all the criteria that you have to deal with.

And so we knew, for instance, on the Voting Rights Act, we had two Congressional districts that were considered majority-minority districts that we knew we couldn't retrogress. We cannot weaken minority voting rights.

And we -- so we knew those two are sort of things that have to be in there. And pretty similar to what they were to before. They can't be any weaker. So in a way you end up kind of starting with those building blocks already.

And to us, you know, passing preclearance was key. And so we needed to get those on the map and everybody felt, and all the Commissioners agreed on that.

So each -- and this is sort of something I have not talked about. But each -- the republicans on our Commission and the democrats kind of were working on different maps.

They each had their own tracks, so to speak.

And they would bring in and present, you know, their ideas for districts.

And it started going down this path of it seemed like we were going to be producing two Congressional district maps, which and then I would be forced as Chair to decide which

one I liked better. And I just thought this is a disaster, a train wreck coming, so I don't want to do that.

We need to get onto the same map.

So what I did is worked with our mapping consultant and told them what I wanted to see. I took elements of both the republicans, so to speak, district map and the democratic map and kind of put in the areas that I thought that I liked from both maps, aspects of both maps, onto one map.

And then had our Commission move forward and work further from there.

So it was -- and that was on the Congressional, which was the first one we did.

When we started the legislative district map, I did not want to do -- I did not want that to happen again.

I said let's start from one map from the beginning.

We are all on the same map. And what was great is one of the republican Commissioners and one of the democratic Commissioners kind of worked and got our ten. I think I don't know if they drew nine initially or ten, but we ended up with ten, majority-minority districts on the legislative district map first.

So we started with those, so to speak.

Got them in place.

Again, we are kind of based on the map that was previously done in that we cannot regress. And you have to factor in new population that has come in the state in the past ten years because maybe some of those minority, majority-minority districts have shifted a little bit or changed based on population.

So but we did kind of start with those elements mainly though from a voting rights compliance perspective I would say.

And the communities -- the other thing that we also looked at were those Native American reservations.

We got those on the map, too,

From the beginning because those are just really easily definable communities of interest.

And we thought those needed to pretty much stay whole.

So it's a little like California's approach in that way, getting the voting rights districts and the communities, those specific communities of interest like the Native American reservations intact and on the map whole.

But from there, you know, then we definitely were adjusting the map all over the place based on other input on communities of interest or, you know, compactness or to the extent we could keep counties whole, we would try to do that.

It's just it's a huge balancing act.

And as you will find out, you know, you move one line, thinking, okay, we are going to see if we can just make this, you know, we can accommodate this particular flood or which, you know, we had gotten input that a fire district wanted to stay whole. And you

do that and a bunch of other things happen. So it really does become a balancing act and the Commissioners will have to decide.

>> Doug: So if you had complete flexibility to do whatever way you wanted from the beginning, would you take the top-down approach or the bottom-up approach given your experience?

>> Colleen: Well, it's a great question.  
I think --

>> Ray: I would comment starting with the good map, which all it is population dividing the whole state by population, is really building it from the ground up. And I'm sure, as Colleen will recall, when we first put out the grid map, people thought you're nuts. You have broken up our neighborhood. You have broken up this. You have not, but the grid map was required by the State Constitution. And all it did was make sure you had districts that were equal population. Then after that you start building on it as Colleen was saying. So I think when you get done you are not that much different than what California did except, they went out and gathered the information because they didn't need to do the grid map.

We did the grid map because we had to, then we went out and tried to figure out the communities of interest.

>> Colleen: Yeah, that is a good way to say it, Ray.

>> Doug: Yeah, okay.

>> Colleen: And I don't know how that came about, the whole grid map thing; but that is just the steps.

>> Doug: You're required to do it.  
You didn't have a choice.

>> Colleen: Right.

>> Doug: Now, we have three maps we have to draw, the Congressional, the State Legislature and the State Senate. When you did your -- I think you mentioned to that you did out of the state legislature and the Congressional.

When you did those, did you do them independently of each other or is it beneficial to do one first because it builds on the other?

>> Colleen: Good question. So we started with the Congressional district map frankly because we thought it would be easier.

We only had to draw nine districts, so you take little population and divide by nine. So our book, yeah, was somewhere around 710,000 per district.  
Maybe 224 if memory serves, but I can't remember specifically.

Anyway, so each -- all nine districts had to have that exact number of people in them. And so we started with that, that map.

As we got further down into the process of that map though, then we did start the legislative district map.

So we didn't finish the Congressional and then start the legislative. At some point we have midstream, we did start thinking and talking about the legislative district map because we knew it was going to -- it was looming and we knew we had to get cracking on it because it's definitely a complicated map.

>> Doug: One last question.

How did you interface with your map drawers?

You know, the Commission interface with them, what process did you use?

>> Colleen: Good question.

So, as I mentioned, each of our Commissioners had the mapping software that we had chosen as a Commission loaded onto laptops issued by the State for us, for our use. And then our mapping consultant trained each of us in that software and also the public to bring them along with us, Whoever wanted to be in it.

From that point or forward, we, you know, as a body of five, each of us had access to the mapping consultant any time.

And could go to them and say, hey, I want to explore, you know, this area of Arizona. I want to look at, you know, the northeast corner and do XYZ.

And, you know, so we could call them on -- by ourselves and, you know, just work independently with them if we wanted to.

Or we could, you know, draw our own maps and bring them in for presentation at the public meetings.

They kept a log of all of their contacts with not only Commissioners but also public. If a member of the public came to them and wanted them to draw something or if the press, for instance, just anybody, they would comply with that. So they kept a log of everybody who came to them requesting a service.

And we also when we got deeper in the mapping process, we realized this is getting tight because, you know, you are going to find that there is a big time crunch and you're going to be meeting daily, at least we were, trying to get everything done and in time to get it out on the road and take it out for public comment. And, for instance, like Ray and Kristina had already set up the second round of hearings and needed to be in a certain part of the state in a few days and we had not finished our map to take it on the road. So it was crunch time, so we were meeting on weekends and pretty much every day.

And Ray would serve as kind of a conduit where if we wanted -- and this would happen where the end of the day on a Saturday we would say, gosh, I really want to -- at our next meeting we need to see, you know, something or a Commission would go home and work on something and say, come back and say I want to present this at the next meeting. And they could e-mail Ray and Ray would serve as that kind of distribution point to share with the mapping consultant and say, here, map consultant, you know, here is something from Commissioner Mathis. She would like to have this ready for tomorrow. Can you get it done?

And then I would be the one that presents that in the public session the next day.

And so the mapping consultant sometimes was working, you know, through the night frankly to get stuff done during that crunch period because it was all hand on deck. And so we had that independent access ourselves to the mapping consultants. But Ray also served as kind of a, you know, I don't know how we can describe it, Ray. A collection point, too, to just be able to communicate and ensure that the other Commissioners knew what had been requested by me or, you know, by another Commission.

>> Doug: But your mapping consultants kept the master map.

>> Colleen: Yes.

>> Doug: The Commission would vote and say these changes are authorized and then they would make it to the master.

>> Colleen: Yes, all -- any time we -- any Commissioner had an idea or a what-if scenario or a thought, they would present that in public session. And our mapping consultant would be there drawing those lines, you know, even adjusting them further from what they had already prepared ahead of the meeting based on whatever the Commissioner had requested.

And, you know, that is a really important point is these technical consultants are acting at the behest of the Commissioners. They are not drawing their own maps but taking our commands, so to speak.

We are the bosses and we tell them what we want.

And then they execute.

And that's all done in public session.

And that is all -- it's by design.

It's the whole transparency side of independent redistricting so that, you know, people can see how adjusting those lines, the decisions that were made are recorded and they are voted on, you know, in public session.

So, you know, that is the basis of it.

I don't know, Ray, if you have additional points on that in terms of how you interfaced with consultants either legal or technical.

>> Ray: I think the one thing towards the end, it got hard for the consultants to figure out which things were to be done first. And that is probably where, yeah, I tried to prioritize and be a clearance, that required me to talk to the Chair and perhaps another, you know, member of the Commission, so that we could reasonably get what we expected from the mapping consultants. So it was really towards the end when it got tight that I had to prioritize what it was that needed to be done.

>> Doug: That's the only questions I have.

>> Brittini: I kind of want to jump in. Thank you so much, Colleen. I'm not trying to be rude.

I was just wondering how folks were feeling like time. And I know we still have new business to cover, and I know that we have access to you.

>> Colleen: You do any time.

We are totally happy to help divulge any nuggets we can that will be of assistance to you.

>> Brittini: This is really helpful because the hands on work when we have a chance to hear and do a continuing education piece, and I don't know it was helpful and meaningful. And, again, Commissioners, I'm sorry if you had other questions; but I was watching time. And I know that we have some things that are going to bring some discussion as well.

So, Steve?

>> Steve: All right. The -- likewise, Colleen, and, Ray, we appreciate very much your taking time out of your busy schedules to be here.

And as always, an excellent presentation.

Even though we are short on time, we have been going at it. And we are going to take ten minutes as a break.

We will be back at 4:25.

Happy birthday, Ray, by the way.

It looks like you have a birthday balloon behind you.

>> Ray: You have good eyes, good eyes.

77.

>> MC: Congratulations.

>> Ray: Thank you. I started with redistricting in my 60s and ended up in my 70s from ending.

>> MC: That's cool.

Thanks for being here.

>> Ray: Sure.

[ Recess ]

Ray, since you are still on, I'm the communications and outreach director.

Any tidbits you can give me that has worked well for you all in Arizona?

>> Well, we certainly at the front end tried to identify the various community groups representing particularly minority or special ethnic groups at the front end and got them on a mailing list.

And then tried to make sure they got meeting agendas before the meeting, they got copies of the material that came out of the meetings.

Then we made it clear that we were available to anybody to go out and talk, either -- and mostly that was done by me or Kristina primarily because it's hard for Commissioners to do that when they are busy working.

I think the other -- we had a public information officer, but it really didn't work for us. The person was more into the written communication and he was a good writer, but he really didn't know how to handle the press or work with community groups. So we kept him pretty much on the written stuff.



And I had experience working in Phoenix in the Hispanic and Black housing projects. And I was involved in enough controversies at the city Council mayor level that I had a decent, I won't say I'm great, but I had a decent idea how to meet with the press and get your thing out and try to be careful. But main thing is reaching out to whatever groups you could identify that you know would have an interest on it, I think.

>> Edward: I'll give you a call and maybe we can talk a little more later.

>> Ray: Do you want the phone number?

>> Edward: Thank you so much. I appreciate you being here.

>> Ray: I will be happy to have a call, e-mail whatever can help.

>> Edward: Thank you.

>> Ray: Go get some water.

>> Edward: I will.

Plenty behind me.

>> Ray: I see that.

Rhonda, did you get your computer to work?

Were you able to log into your state computer initially?

>> Rhonda: No, I didn't and I don't know if it was because I logged in on the personal computer then went to log on that one, I'm not sure.

It would let me bring up my e-mail but it would not do the VPN thing so I'm bedaffled.

>> Doug: I get mine set up tomorrow. When you got yours, did they have to load Zoom or was it already on there?

>> Rhonda: I don't think it's on it.

>> MC: You don't need to load.

It's sort of a web app, Doug, so it's not a specific authorized program that needs to be especially installed.

>> Doug: Click the link that Sarah sends.

>> MC: Rhonda, I was going to offer when my field representative was going to help me set up the laptop, he suggested there was a second like the first time it crashed, meaning we did the VPN and the log or, excuse me, whatever the code is that you have to do, get to the VPN, it would not authenticate the first time so we did it twice; meaning it crashed. And we unloaded or I wish I could remember exactly the steps, but something was clearly first time it did -- it was an error and if that did not happen when you were setting up with your representative, that is the only thing I can think of is that I've had no app issues since then.

>> Rhonda: I've had none since it set up and it actually took two hours before the meeting. I was logged in and it logged in just fine, but it was right before, so I don't know if it's because I got two computers going.

Maybe it was like, no, you can't do that.

I'm not sure.

But I will play with it once we are done.



>> MC: Good luck. You will get it.

>> Rhonda: I will call for help support.

>> MC: Right on.

>> Okay, looks like all the Commissioners are back, Dustin, where are you?

>> Dustin: Right here.

>> Steve: Bring us up to date on our line drawing committee report, please.

>> Dustin: Okay, so on Tuesday Steve and myself and Erin all met to discuss the RFPs that we received.

There were four. One of them was submitted late so we did not really look at that one. We looked at three of them, one for election data services.

Haystack and I believe the other one was Redistricting Partners. Out of those particular two or three, we narrowed it down to two election data services in Haystack.

We all felt strongly that these two pieces of software for drawing the redistrict lines were top notch and stood out more than the other one.

Erin and I thought Collection Data Services stood out the most. And Steve you said Haystack was the nod in your direction.

With that being said, election data services to me seems like it's, well, again, this is just my personal opinion at this particular point in time, more in line with what we are trying to do. One, they are trying to put together a team of people that are also republican and democrat and independent much like how we are designed.

They offer the program to us to use whether it be web based or on a computer itself or both.

We don't necessarily need to be on the Internet to use the software.

As I would imagine it would download once you have a chance to get into the program at one particular point, get the latest updates that were drawn.

So you can bring it to the road and tweak with it.

They also offer training to all of us to learn the in and out of the programs.

There is also a public aspect of it to the point where I believe they make portals or some sort of portal where the public can actually go in and take a look at the maps and also play around with the maps themselves.

And the fact we can actually go in and play around, I know it was a point of contention with all of us with regards to the drawing, sorry, the software for drawing the district lines, the amount of data I saw in that RFP for election data services is mind boggling.

They were -- any kind of perimeter that you can possibly think of is in there.

Moving onto Haystack, they are also very strong contenders.

They also provided lots of data, lots of perimeters.

The only thing is, is that -- and this is why it only scored two points lower than Election Data Services with me.

Is they highly recommend that we do not have access to the program itself.

Which kind of was off putting to me.

Lastly, in regards to pricing, I mean, there is no real way to put it. These are going to be expensive.

Election Data Services without travel costs for the technicians to come out and meet with us and work with us, \$949,000.

With travel costs they are, I believe estimating it to be \$989,000.

Haystack without travel costs my notes say \$933,368.

And with travel costs it would be well above a million.

Now, again, it's -- these are going to be expensive no matter what and when we are dealing with programs that are that expensive \$50,000 in difference is really not that big of a difference in my opinion.

And we would like to extend an invitation for both Collection Data Services and Haystack to give a presentation about both of their software next week on the 4th. So we can actually ask questions and everyone will be able to get a feel for the applications.

What else?

The, oh, since the actual presentations are going to be quite lengthy and that we are going to have a pretty long question-and-answer session, I would imagine after each presents their software packages to us, I would also want to have a motion be placed on the table after I'm done that would extend the meeting from Noon until 2:00 just so that we have the ability to give them the full presentation time as well as question-and-answer sessions.

I would highly recommend that everyone would go through the RFPs for both Collection Data Services and Haystack. They both have the pros and cons, but either or whichever you choose I'm happy with.

Except for the one caveats of, you know, not having the ability to go and play around with the maps with ourselves.

And I think that's it for me.

It was a relatively short meeting. We allocated two hours for it and we were done in 30 minutes.

>> Steve: Erin, do you have anything to add?

>> Erin: The only thing I thought would be to let them know the price differences between the Redistricting Partners, which was the third one, and the other two because it's such a drastic difference.

>> Dustin: True. Yeah. Well, the one that was late we didn't really even look at. And I don't think I have the dollar figure for it.

Let me check.

No, but Redistricting Planning was \$438,000 and about half the cost, but there were hourly pricing as well that we would have to be billed for. And what was it, about \$2500 or \$4500 per hour, I believe, if I remember right.

Sue, I think you added that.

>> Sue: Ten meetings depending on which person from the person attends the meetings, the range was \$2500 to \$4500 per day.

So, you know, for example, to come to all the public hearings, if they were held in person, that would significantly add some costs.

>> Dustin: And that Redistricting Partners also scored below, I believe it was an 80 for the threshold. So there was not really any discussion about it, you know, basically going over the two top contenders, which were Election Data Services and Haystack.

>> Steve: Erin.

>> Erin: The only other thing I would add to that is the lead for Redistricting Partners is Connie Malloy. And she was, if I remember correctly, on the California Commission. And she is located, if I remember correctly, here in Michigan.

So that was the only other thing I would add to that.

But that's it.

>> Steve: Rhonda, I'm not ignoring you, Cynthia. Rhonda had her hand up.

>> Rhonda: That was earlier before they were done. I did watch your guys' meeting and all the information and reviewed them. And I'm on the same page with the Election Data Services and the Haystack and kind of on the same page with Dustin about the Election Data Services and how they are offering each independent Commissioner if they so choose to go in and look at it.

So I think those are both great selections. And I was going to move that we proceed with having them come in.

But I will wait and see if anybody has got anything else.

>> Steve: Well, we are bringing that motion from the committee, so it does not need a second. And we will vote on that as soon as the discussion is over. Cynthia.

>> Cynthia: I don't need to say anything now.

>> Steve: Oh, come on.

Anthony.

>> Anthony: Yeah, excuse me, I was going to say pretty much exactly what Rhonda said.

I also went over all the -- all three RFPs. And even before I watched the meeting, I came to the same conclusion of the top two.

I had Haystack slightly lower than Redistricting Partners.

But the capabilities of both seem the same.

Or, you know, similar at least.

However, the ability to go through and see the data myself and be able to use the tools is something that's important to me.

I do wonder, and this is something we can ask them next -- one when they come in, but did they give a rationale out of way Haystack didn't want us to have access to it?

>> Brittini: Anthony, that was my question too.

>> Steve: Their position was that they are the experts at the line drawing. And that they would take anything that you wanted them to do and they will do it. And their thought process was that, you know, don't spend your time, us, the Commission, don't spend the time trying to figure out how to technically put some line somewhere. Spend your time determining from the point of view of establishing the communities of interest where you need to be. They will figure out where to put the lines, so that was their thought.

We have a time crunch today, folks. And, really, what we are here or right now with this to do is simply is everybody on board with bringing them in and having them make a presentation? And then we can discuss it at length after we have that, you know. It's not going to do us a lot of good to do a lot of discussion here today before the presentation.

So the motion brought by the Committee is to have them brought in next week. We are still on board with that, right, Sue? Okay, so doesn't need a second because it's from the committee. So if you are in favor raise your hand.

[ Hands raised ]  
Passes unanimously.  
We will get them in here.  
Now Dustin.

>> Dustin: I would like to add the motion to extend our meeting time from Noon until 2:00 on the 4th.

>> Steve: We were going to extend. Is that good with everybody? Nod your head? Good with everybody. Set the meeting up and we will have to notice it out appropriately. Before then. Right, Julianne.

>> Julianne: Yes.  
>> Steve: Okay, VRA legal counsel. We are having some difficulty getting anybody to apply. Sue.

>> Julianne: I'll take this, Mr. Chair.  
>> Steve: Go ahead. I didn't want to step on you.  
>> Julianne: That is perfectly fine. And, unfortunately, we did not receive bids for our first issued RFPs. What we are requesting the Commission adopt is a resolution to authorize the posting a second RFP, the distinction being that we extracting the racially polarized voting consultant. So the attorneys bidding on this RFP will not be required to hire a racially polarized voting consultant as part of this contract. It could be added onto the contract or it could be sought separately later, but we thought the first step would be to rebid competitively this VRA counsel.

So the changes in the document, and, again, all I did was extract the RPV references. There were six references in the document and I removed those. The other changes would be to the timeline on the first page.

And then we added a cover sheet, a summary sheet, pardon me, of key deliverables that clearly sets forth on the second page what key deliverable one is and what key deliverable two is. So it really draws the attorneys or the law firms or whomever will be bidding on this attention to what we are asking for throughout the document. Because it is a larger document.

Last comment I would make is on the proposal deadlines that are listed, we have given another day for the staff to work on the questions. So those would be due Tuesday, March 2nd. The responses would be due Friday, March 5th. The proposal deadline should be reflected Wednesday, March 17th, with anticipated contract begin date of Monday, April 5th. And that is consistent with the time spread in the first RFP. But that is our ask of you today, if you would grant us the authority to post that on the website tomorrow and put it out for rebid.

Thank you.

>> Steve: Are we going to check with say California and Arizona they mentioned some people, are we going to check with them and see who they might suggest would be someone that we could send our RFP to?

>> Julianne: Correct. That is an excellent question. So we have done some outreach why the RFP did not get bid on and got some feedback on that. And thought of different firms who operate in this area and we can make sure we are directed to the RFP through the State's process.

And I know the Mr. Bassett flagged a number of tags in the procurement system. I apologize if I'm not using the proper words, for those who are listening who know the proper words. But we are definitely doing additional outreach.

>> Steve: We don't have to restrict ourselves to Michigan because voting act attorneys are nationwide.

>> Julianne: No. It's not restricted to Michigan lawyers at all. You just have to be in good standing.

>> Steve: Hopefully, hopefully.  
All right, Doug.

>> Doug: Yeah, quick question for Julianne. Julianne, and I think you may be mentioned this. Did we get feedback that we should split this into two?

That we are asking for too much out of the first RFP?

>> Julianne: It's difficult to know directly why people didn't respond. But we did receive varied feedback that that could have been one of the factors.

>> Doug: Okay.

>> Julianne: So we thought the first step would be prudent to take securing counsel and then working with them either to add it on or to seek it separately. Because again the RPV consultants, as the panel indicated earlier, they are not always lawyers. A lot of time they have different backgrounds, so there is more flexibility maybe. We are trying to give ourselves more flexibility.

>> Doug: Okay. Great, thanks.

>> Steve: Okay. Great. I would entertain a motion to --

>> Julianne: I believe Erin, Mr. Chair, I apologize.

>> Steve: I'm sorry, Erin.

>> Erin: I just wanted to, as a point of information, I guess, is to let everyone know that Election Data Services did offer Voting Rights Act attorney. And apparently Dr. Lisa Hamny is a premier racial Black voting expert. And maybe we could sent her an RFP invite.

>> Julianne: So just a slight -- the Dr. Blandine is -- she is an RPV analyst. My understanding of reading that proposal, she is not an attorney and she would not part of that contract if that vendor was selected. But, certainly, we did take note of that reference, Erin, and they gave quite a bit of detail on her background. So moving forward with the RPV analyst, and in no way are we saying an RPV analyst is not critical or important to the Commission's work. At this point we would like to rebid just for the VRA counsel and then move forward incrementally.

>> Steve: Okay, if there is nothing else, I would entertain a motion to adopt the recommendations of our counsel.

Rhonda, you're making that motion.

Okay, a second, please.

Doug is a second.

All in favor raise your hand.

[ Hands raised ]

It's adopted unanimously.

Thank you, everybody.

Questions somewhere?

Okay, marketing contracts Edward.

>> Edward: Thank you, Mr. Chair.

I appreciate this opportunity.

At this time I would like to invite Mike Brady to join us.

He is the chief legal director for the Michigan Department of State to talk about the state's piggyback process.

>> Mike: Good afternoon. Can you hear me?

>> Steve: We can hear you, Mike.

>> Mike: It's nice to see you all. Well, I see you all each week.

I suppose it's nice to be seen maybe.



So Edward had asked me -- Mr. Woods had ask me to come and speak about a process that exists in state law, certainly within the State of Michigan's procurement system that allows he used the term piggyback. I'm not sure that is a technical term, but it gives a good sense of it.

Basically it's something that I think has been developed over the years in response to wanting to ensure that the values that come from a fully values of transparency and integrity and competition that come from issuing an RFP and going through that process are maintained even when time demands, you know, are tight and you may not have the same kind of allowance for that.

So basically the State, for certain types of things like communications, which is at issue here, I think like accounting and printing and other things that are bound to come up in the normal course of operations, the State will periodically issue RFP's, requests for proposal just as you have, universal process. And will issue those out and will do a wide net. And it won't be for a specific project at that time.

It will be to have folks for -- they will do it -- for the explicit purpose to have folks prequalified to go through that process and to get all of the information they would need to do the first parts of any sort of RFP process.

And so it's open. It's fair. It's, you know, competitive. It's transparent. They go through the scoring, they go through all these different things. And then they get a prequalification status. And they are set aside. So if a State Department or, you know, ICRC or someone else finds themselves all the sudden we need accountant, we need a communications expert, and we don't want to go through the same time, you know, the same process and take the same, you know, the full time of issuing our own RFP, we still get the value of it being competitively bid and open and transparent. But we can withdraw from one that is prequalified because we have already gone through the other processes. And then we would submit a specific, you know, distinct scope of work identifying our timeframes, our demands, and everything else, and issue those out to folks who can then respond and say for this particular piece of work you need done in the next 30 days or 60 days or 90 days, whatever it is, we can do it for X dollars. These are the people we would offer. This is thinking of our proposal in response to that particular piece.

So I think of it as being the same process actually as what the State goes through but segmented. The first part is done in advance. So you kind of have folks that can prequalified, and it allows the second part to go faster.

Does that make sense or do folks have additional questions on that?

Edward, was there something else that could be helpful? I can speak to there?

>> Edward: Mr. Chair, I don't know if anyone has any questions. I just want to make sure that everyone understands it's a competitive process. It's not soul sourcing.



It's already been, you know, properly vetted as Mr. Brady has shared and just wanted to make sure everyone is aware of how the State does this process.

>> Steve: Anybody have any questions?

All right, revised proposed locations for public hearings.

>> Edward: Well, just a second, Mr. Chair. I have a couple things I need approval for.

>> Steve: Well, okay.

>> Edward: Under marketing contracts, the first one is a critical mention.

>> Steve: Let me ask this question before we launch into this. We have ten minutes left.

And we have a drop dead time. How long are you going to take?

>> Edward: If I can get this done in two minutes, I will be happy and try to do it fast.

>> Steve: I just want you to know.

>> Edward: Okay. This purchase critical mention is right there on the screen. It's regularly 4,000 for the license.

If we get it by February 28th, it will be a thousand for it and I'm just asking for approval for this and measures TV, radio, online news licensed print and tracks media coverage and it will allow us to have the reports that we need for the redistricting process.

>> Steve: Rhonda.

>> Rhonda: I apologize.

Edward, you said it is right there on the screen. Is there something that we are supposed to be seeing?

>> Edward: I'm sorry, there it is.

>> Steve: I have a question. What does this do?

>> Edward: It's upgraded Google alerts. It gives you all of your news. It gives me the media reporters. It gives me media coverage in real time as compared to campaigns. Every time the Redistricting Commission is mentioned we get it, redistricting issues is mentioned, and it's all a part of that.

This is what the Secretary of State uses currently right now as relates to their media tracking, reaching out to reporters. It also includes the social media.

If we get a license, normally it's \$4,000.

They are giving us a discount of \$2000.

If we purchase it by February 28th, it's a thousand dollars.

Seeing that we don't have any budget, the only way I can get approval for money to be spent is to come to the Commission.

>> Steve: So this would be something like what I classify as a clipping service, somebody is out there watching and seeing what is going to be mentioned.

>> Edward: Correct.

>> Steve: Okay, Rhonda.

>> Rhonda: So, Edward, is this what you would use, I know the last meeting you were asked to kind of give us continuous sheets on articles that were done, so is this something that would help you do your job more efficiently?

>> Edward: Absolutely. More automated instead of doing all these different searches. Thank you.

>> Doug: How often would this be used, Edward?

>> Edward: Every day.

>> Doug: Just by yourself?

>> Edward: I would have the license, correct.

>> Doug: Okay.

I see personally see no problem with a thousand dollars is nothing compared to some of the things we have been doing.

>> Brittini: I agree.

>> Doug: I say we put the motion forward that we approve it.

>> Steve: And there is a second by Richard. Any further discussion? All in favor raise your hand.

[ Hands raised ]

Pass unanimously.

What else, Edward?

>> Edward: Yes, I'm going to come up and share my screen one more time.

I can do that.

And I want to talk about key deliverable number one.

For the market research we want to pull -- we only want to limit it to one item that we need, and that one item that we need is for the market research.

This is we provide a statement of work.

We use the State's process.

We reached out to four contractors that were on the State's list.

We received two proposals and we want to recommend Brogan and Partners for market research for 26,000, I mean 26,000.

It provides a 600 representative sample.

They use telephone and cell phone.

The other one was only using Internet access. And because of the digital divide in some of our areas, we felt going by the phone was the best way to go.

It was \$26,000 for the telephone.

Cell phone.

It was \$27,000 for the online access.

The survey provides a margin of error plus or minus 4% with a 95% level of confidence.

The reason why we need this is because we need to have this foundation to do our marketing plans and prepare our promotional materials having a representative sample across the State of Michigan.

>> Brittini: I agree with Edward's assessment. I got a chance to look at some of the documentation and I kind of jumped ahead of Doug and Rhonda's hands.

I apologize, Doug.

>> Doug: I'd like to propose that we table this until we can get to another meeting and spend a little more time on it and understand it better.

>> Steve: Motion to table.

Seconded by Rhonda.

Any, well, all in favor to table raise your hand.

[ Hands raised ]

Passes unanimous.

Put on the table and be brought back at a later date.

I'll leave it up to Edward to get it on the agenda in the next -- when he wants it back on the agenda.

Rhonda, question.

>> Rhonda: Actually, I was going to make a quick comment if we don't mind.

I see the next as the proposed location hearings. I would like to table that also because that is something I have quite a bit of comment, that I would like to make on that. And I see that we have to discuss doing a special meeting over, about to discuss the census. So maybe we can combine these tabled things.

>> Steve: We were not going to get to the location today.

>> Rhonda: Right. So that is what I'm recommending that we table it.

>> Steve: We don't need to table it because we are not going to get to it. And we are not going to start on it.

>> Rhonda: I ask that we table that to the next meeting so we get to it.

>> Steve: Well, you want it at the next meeting or you want it at the next meeting when we get to it?

>> Rhonda: We are going to discuss a special meeting to go over the census so is that something that we can discuss these other tabled items at also?

>> Steve: Who is doing the special discuss census?

>> Julianne: I'm happy to do that. And to answer Commissioner Lange's question, yes, it would be a special meeting, so we can add the marketing issue as well as the locations for the public hearings to that meeting as well. And the date we would like to propose, public hearing as well. And the date we would like to propose, again, the meeting on 3-4 is going to be dedicated to the mapping presentation. So we would ask if there is availability on Friday, March 5th from 1 to 3:00 p.m., if the Commissioners could set that date and time, we could bring back the communications issues and have the census discussion on that day as well.

>> Brittini: Thank you for that clarification, Julianne.

>> Steve: What time -- never mind.

>> Rebecca: I have a suggestion.

>> Steve: Yep.

>> Rebecca: So we originally had scheduled on March 2nd from 1-3 the meeting of the subcommittee to talk about the RFPs for the voting rights attorneys.

Do we want to try to put -- set aside time there on that Tuesday?

Because that was already sort of set up and we already had everything in line in terms of interpreters and so on and so forth? Just a suggestion instead of the Friday since that would already sort of budgeted on our time.

>> Rhonda: Can I comment on that one?

>> Steve: Sure.

>> Rhonda: Those are the make-up dates. March 3rd is the make-up date for pictures and videos. So I know there is at least, from what I'm told, three Commissioners that will be in Lansing that day, so those times I don't think will work on the 3rd.

>> Brittini: The 2nd.

>> Rebecca: Tuesday, the 2nd.

>> Rhonda: Oh, the 2nd, okay.

>> Julianne: I apologize. But in regard to the date on the 2nd, the translators have already been released on that date.

So I'm not sure we would be ready for that date. Although that was a great suggestion because we thought that, too; and, unfortunately, it did not work out.

>> Steve: So we are back to March the 5th, which is a Friday.

>> Yes.

>> Steve: At what time?

>> Julianne: 1-3, 12 to 2? Is there a time that the Commission would -- it's up to the Commission certainly.

I'm just making suggestions.

>> Steve: So we are talking about the afternoon, sometime in the afternoon on March the 5th, which is a Friday. I know Dustin usually has some issues because of his employment.

Dustin where are you at on that?

>> Dustin: I might be able to make that work.

Since it's not going to be very long, that should be fine.

>> Steve: Okay. Anybody else want to chime in?

>> MC: I like the 1-3 time slot personally.

>> Steve: So that is your motion?

>> Brittini: I second.

>> Steve: Second, Brittini.

So the motion is to meet on Friday, March the 5th from 3-5?

>> March 5th, from 1-3.

>> Steve: All in favor raise your hand.

[ Handed raised ]

All opposed?

You opposing, Anthony?

No.

Okay.

All right, March 5th.

Friday 1-3.

>> Anthony: That will be to discuss Edward's resolution that he has on the table as well as consensus delay, correct?

>> Julianne: Yes. The agenda will be circulated before the meeting for the Commissioners.

>> Anthony: So it's clear, it will be a public meeting.

>> Julianne: So the special session is under the section of your rules that, yes, the distinction -- to be clear, the distinction is it's not a regularly scheduled meeting of the Commission,

Which occur on Thursdays. So that is the only difference is it's happening on a day other than a Thursday.

That is why you had to adopt it separately.

>> Steve: There was no question it was going to be open to the public.

>> Anthony: I know. I just wanted to make sure.

>> Steve: Anybody out there listening there was never a question it was not going to be open to the public.

We are at the order of the day, which is adjournment, motion to adjourn.

Sue, you are making a motion?

>> Sue: No. I can't make a motion.

Thanks for offering. But, no, just remember that the close up webinar is tonight at 7:00 for anybody who is interested, that U of M close up webinar of communities of interest you can tune in.

>> Anthony: I just want to say real quick, it's very important that we figure out where we are going to go like as soon as we can because it does take a lot of time to, you know, schedule these dates and make sure that they are available and make sure we can get there. There is a lot that goes into it. So I'm glad we have a whole team set up for it. But I'm sure it would help Edward a lot if we got this approval as soon as possible.

>> Steve: Well, I don't disagree with that. But Rhonda has a point, and, certainly, the amount of correspondence that we got this past week shows that it's a very important issue to the populous, especially in the smaller population centers.

So there is no reason to hurry in this.

This okay. All in favor of adjourning raise your hand.

Edward.

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>> Edward: Just want to remind people, those who are doing public comments at the meetings next week, please check your State e-mail.

Please check your State e-mail so you know about the public comments and the time, as well as your point of contact person. And then once again I'll be reaching out to you tomorrow if you need any assistance with prepping for your two- to three- minute presentation in March. Thank you so much.

>> Steve: Okay. We are adjourned.

Sarah, if you are listening give me a call when we are done, please.

Good-bye everybody.

[ Meeting concludes at 5:02 p.m. ]