

# Michigan Independent Citizens Redistricting Commission

Virtual Meeting via Zoom Webinar due to the ongoing Covid-19 pandemic,  
pursuant to 2020 PA 254 (MCL 15.263)

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[RedistrictingMichigan.org](http://RedistrictingMichigan.org)

**Thursday, March 18, 2021**

**9:00 AM – 12:39 PM**

## MINUTES

### **PRESENT:**

Douglas James Clark  
Juanita Curry  
Anthony Eid  
Brittni Kellom (*left at 11:34, returned at 11:48*)  
Rhonda Lange  
Steven Terry Lett  
Cynthia Orton  
MC Rothhorn  
Rebecca Szetela  
Janice Vallette  
Erin Wagner  
Richard Weiss  
Dustin Joseph Witjes

### **ABSENT:**

N/A

### **OTHERS PRESENT:**

Suann Hammersmith, Executive Director  
Julianne V. Pastula, General Counsel  
Edward Woods III, Communications and Outreach Director  
Michigan Department of State (MDOS) staff

### **CALL TO ORDER AND WELCOME**

Commissioner Lett, Chair, called the meeting of the Michigan Independent Citizens Redistricting Commission (MICRC) to order at 9:00 AM.

*Commissioner Kellom, Vice Chair, left the meeting at 11:34 AM and returned at 11:48 AM*

## **ROLL CALL**

MDOS staff called roll. All commissioners were present and a quorum was met.

**ADOPTION OF THE AGENDA** Commission Lett, Chair, noted that an additional break will be added to the agenda prior to the Continuing Education portion.

**MOTION:** Commissioner Lett, Chair, called for a motion to approve the agenda, as amended. **Motion by Commissioner Wagner. Supported by Commissioner Orton. Commissioner Lett, Chair, held a vote by show of hands. MOTION UNANIMOUSLY APPROVED.**

## **REVIEW AND APPROVAL OF MINUTES**

Commissioners discussed the draft minutes from March 11, 2021.

**MOTION:** Commissioner Lett, Chair, called for a motion to approve the March 11, 2021 minutes as presented. **Motion by Commissioner Orton. Supported by Commissioner Wagner. Commissioner Lett, Chair, held a vote by show of hands. MOTION UNANIMOUSLY APPROVED.**

## **PUBLIC COMMENT**

Commissioner Lett, Chair, opened the floor to public comment. There was no live public comment given. A full inventory of live and written public comment is available at [RedistrictingMichigan.org](https://RedistrictingMichigan.org).

## **CORRESPONDENCE**

Commissioner Lett, Chair, noted the Commission has received over 500 emails this week, a tenfold increase. The Commission is in the process of obtaining a public comment tool to assist with management of emails. Until then, the MICRC will continue to process public comments received and enter them into the official record.

## **EXECUTIVE DIRECTOR REPORT**

Executive Director Hammersmith reported that today's meeting will include a resolution with regards to Sunshine Week that reaffirms the Commission's commitment to conducting its business with transparency and through open meetings. In addition, she reported that seven proposals for the Voting Rights Act legal counsel were received by the deadline and that MICRC staff will review the proposals and provide the Commission with a ranking and rationale for ranking by March 26<sup>th</sup> to allow the VRA Legal Counsel Committee time for review prior to their meeting on March 30<sup>th</sup>. The executive director also hosted a brief icebreaker activity.

## **MICHIGAN DEPARTMENT OF STATE (MDOS) UPDATES**

MDOS staff reported they are in the final stage of procuring a public comment tool and are on track to have it in place before the public hearings begin.

## **UNFINISHED BUSINESS**

1. Election Data Services Appendix B – Resolution 2021.02.14. General Counsel Pastula provided the draft language for Appendix B to the EDS contract. The Appendix includes the addition of a Racially Polarized Voting Analyst to the EDS contract, per the Commission's vote at its March 4<sup>th</sup> meeting. Commissioner Kellom, Vice Chair, led discussion.

**MOTION:** Approve Resolution 2021.02.14. **Motion by Commissioner Rothhorn. Supported by Commissioner Wagner. Commissioner Lett, Chair, held a vote by show of hands. MOTION UNANIMOUSLY APPROVED.**

2. Logo Colors – Resolution 2021.02.15. Communications and Outreach Director Woods presented two color options for the Commission's newly adopted logo design. Commissioner Kellom, Vice Chair, led the discussion.

**MOTION:** Approve Resolution 2021.02.15 to adopt the purple and orange color option for the logo. **Motion by Commissioner Szetela. Supported by Commissioner Witjes. Commissioner Lett, Chair, held a vote by show of hands. MOTION APPROVED 9-4.**

3. Communications Needs. Communications and Outreach Director Woods requested that Commissioners refer media inquiries to him. He also alerted Commissioners that he will be sending them calendar appointments for local government meetings and speaking appointments. In addition, he asked

Commissioners to provide their availability during the Public Hearing weeks so they could also be scheduled for town halls forums.

## **BREAK**

Commissioner Lett, Chair, called for a brief break from 9:56 AM to 10:08 AM.

4. Continuing Education – Communities of Interest. Executive Director Hammersmith thanked Matt Grossman, Director of MSU’s Institute of Public Policy and Research, for organizing today’s continuing education and introduced the following presenters:  
Tom Ivacko, University of Michigan CLOSUP  
Mariana Martinez, Michigan Nonprofit Association  
Susan Smith, League of Women Voters of Michigan
5. March 25 Continuing Education. Matt Grossman, Director of MSU’s Institute of Public Policy and Research, reviewed with the Commission an assignment for next week’s continuing education.

## **BREAK**

Commissioner Lett, Chair, called for a brief break from 11:21 AM to 11:39 AM.

## **UNFINISHED BUSINESS, continued**

6. Key Provisions of the Constitutional Amendment. General Counsel Pastula continued the February 18<sup>th</sup> presentation and reviewed the remaining five criteria set forth in Subsection 13 of the Michigan Constitution including communities of interest, partisan fairness, incumbency, political subdivisions, and compactness.

## **NEW BUSINESS**

1. Election of Chair and Vice Chair for Next Six Months. Executive Director Hammersmith facilitated the conversation and noted nominations.

**Commissioners Lett, Chair, Wagner and Kellom were nominated for the position of MICRC chair for the next six months. All three commissioners accepted the nomination.**

**The Commission held a vote by roll call:**

Nominee Lett: Commissioners Eid and Lett  
Nominee Wagner: Commissioners Clark, Lange, Orton and Wagner  
Nominee Kellom: Commissioners Curry, Kellom, Rothhorn, Witjes, Szetela, Vallette and Weiss

**BY A ROLL CALL VOTE OF 2-4-7, COMMISSIONER KELLOM WAS ELECTED CHAIR.**

**Commissioners Wagner, Eid and Szetela were nominated for the position of MICRC vice chair for the next six months. All accepted the nomination.**

**The Commission held a vote by roll call:**

Nominee Szetela: Commissioners Kellom, Witjes, Lett, Szetela, Vallette, Weiss  
Nominee Eid: Commissioners Eid  
Nominee Wagner: Commissioners Clark, Lange, Orton, Wagner, Curry, Rothhorn

**BY A ROLL CALL VOTE OF 6-1-6, THE VOTE FAILED.**

**A run-off vote for the position of MICRC vice chair for the next six months was held for Commissioners Wagner and Szetela.**

**The Commission held a vote by roll call:**

Nominee Szetela: Kellom, Witjes, Eid, Lett, Szetela, Vallette, Weiss  
Nominee Wagner: Clark, Lange, Orton, Wagner, Curry, Rothhorn

**BY A VOTE OF 7-6, COMMISSIONER SZETELA WAS ELECTED VICE CHAIR.**

2. Sunshine Week – Resolution 2021.02.16. Executive Director presented the resolution reaffirming the Commission’s commitment to transparency and open government principles.

**MOTION: Approve Resolution 2021.02.16. Motion by Commissioner Rothhorn. Supported by Commissioner Weiss. Commissioner Kellom, Chair, held a vote by show of hands. MOTION APPROVED.**

3. Legal and Federal Legislative Update. General Counsel Pastula reported on the following legal and legislative actions:
  - a. Potential dates relative to the joint petition with the Michigan Department of State to the Michigan Supreme Court will be presented to the Commission next week along with an update on census data.
  - b. The case *Daunt vs. Benson* which challenged the formation of the MICRC as unconstitutional was dismissed last summer but is currently under appeal. The hearing on the appeal of the dismissal occurred at the Sixth Circuit Court of Appeals yesterday. An update will be provided when the decision on the appeal is released. An injunction to stop the Commission's work during litigation was denied and that denial was upheld in appeal. Therefore, it is appropriate for the MICRC to continue its work while the court considers the appeal of the dismissal.
  - c. The state of Ohio filed a lawsuit against the U.S. Census Bureau to compel the release of census data by the original deadline. Alabama also filed a suit in federal court challenging the delay of census data as well as the use of differential privacy which is the statistical algorithm that scrambles census data to minimize the chances of identifying individual persons.
  - d. HR1, the For the People Act, was passed by the U.S. House of Representatives on March 3, 2021 and received by the U.S. Senate on March 11<sup>th</sup>. General Counsel Pastula reviewed components of the bill involving redistricting reform. Under the current version adopted by the House, states with independent redistricting commissions that meet certain requirements are exempt and it appears MICRC meets those criteria. The current bill also requires the counting of incarcerated persons based on their last known residence. If signed into law, the redistricting reforms in HR1 will be in effect for the 2030 round of redistricting.
  
4. Future Meetings and Agenda Topics.
  - a. Continuing education on mapping evaluation
  - b. Update on Michigan Supreme Court petition
  - c. Public hearing times and confirmed locations

Commission staff proposed the extension of meeting times to better accommodate Commission business.

**MOTION:** Approve proposed meeting extensions as recommended by MICRC, including:

- March 25 meeting to run from 12:30 PM to 4:30 PM
- March 30 meeting to run from 9:30 AM to 1:30 PM
- April 8 meeting to run from 12:30 PM to 5:30 PM  
(to be cancelled if in-person meetings are required)
- April 15 meeting to run from 9:00 AM to 2 PM.

**Motion by Commissioner Lett. Supported by Commissioner Weiss. Commissioner Kellom, Chair, held a vote by show of hands. MOTION UNANIMOUSLY APPROVED.**

## **ANNOUNCEMENTS**

1. Commissioner mapping homework is due Monday.
2. There has been no action on the Senate bill to extend the deadline for virtual meetings to June 30. The current ability to meet via virtual meetings expires March 31.

## **ADJOURNMENT**

There being no further business, Commissioner Kellom, Chair, called for a motion to adjourn.

**MOTION:** Adjourn the meeting. **Motion by Commissioner Wagner. Supported by Commissioner Curry. Commissioner Kellom, Chair, held a vote by show of hands. MOTION UNANIMOUSLY APPROVED.**

The meeting was adjourned at 12:39 PM.

*Future Meetings: March 25 from 12:30-4:30 p.m.; March 30 from 9:30 a.m.-1:30 p.m.; April 8 from 12:30—5:30 p.m. (to be cancelled if in-person meetings are required); April 15 from 9 a.m.-2 p.m.*

*VRA Legal Counsel Committee – March 30 from 8:00-9:30 a.m.*