Michigan Independent Citizens Redistricting Commission

Commissioner Orientation and Resource Materials

Prepared and compiled by:
The Michigan Department of State; Michigan State University Institute for Social Policy and Public Research; the University of Michigan Ford School of Public Policy's Center for Local, State, and Urban Policy; and the Princeton Gerrymandering Project

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Table of Contents

Welcome Letter from Secretary of State Jocelyn Benson 4

Agenda for Initial Convening of the Commission September 17-18, 2020 5

- Day 1, Morning Session: Getting Started 5
- Day 1, Afternoon Session: Orientation 5
- Day 2, Morning Session: Expert Panel Presentations 6
- Day 2, Afternoon Session: Initial Decision Points 6

Key Contacts 7

Introductory Materials and Resources 8

- Constitutional Language and State Government Resources 8
- Publicly Available Reports Prepared for the Michigan ICRC 8
- Additional Redistricting Resources 9

Introductory Data and Mapping Resources 10

- Hands-On Redistricting Resources 10
- Sources for Michigan Data 10

Future Decisions and Draft Timelines 11

- Big-Picture Timeline 11
- Draft Fall 2020 Meeting Schedule 12
- Initial Decisions and Needs 14
- Suggested Webinars and/or Presentations with Experts 16

Appendix 1: Michigan Constitution of 1963 Article IV, Section 6 18

Appendix 2: Glossary of Terms 24

Appendix 3: Robert's Rules of Order Guide 29

Appendix 4: Draft Code of Conduct 36

Appendix 5: Commission Bylaws and Internal Policies to Consider 37

- Commissioner Responsibilities and Expectations 37
- Staff Responsibilities and Expectations 37
- Operational Responsibilities and Expectations 38

Appendix 5: California Commissioner Best Practices & Recommendations 39

- Summary: California Commission Report 39
- Summary: League of Women Voters of California Report 41

Appendix 5: California Commission Organizational Chart 43

Welcome Letter from Secretary of State Jocelyn Benson

Dear Commissioner,

Congratulations on your selection to serve on Michigan's first-ever Independent Citizens Redistricting Commission.

You and the other 12 members of the Commission are now part of Michigan history. In 2018 millions of Michigan voters amended our state constitution to put citizens, not politicians or special interests, in charge of drawing electoral district lines. Nearly 10,000 people applied to serve as one of those citizens on the Commission.

And you are now one of those 13 citizens, responsible for carrying forward the will of the people. Again, congratulations.

This is an immense responsibility. It is also a momentous opportunity to demonstrate to your fellow citizens in Michigan and across the country what fair, independent, citizen-led redistricting can look like. You can create a model that citizen commissions in other states look to in the future for guidance.

As the Secretary of State, I will serve as the "secretary without a vote" of the Commission. I, alongside my team at the Department of State, stand ready to provide any assistance you may need as you embark on this remarkable, history-making endeavor. We hope this orientation binder, with background information and next steps to consider, will help you and your fellow Commissioners get started.

I look forward to meeting you on September 17.

Sincerely,

Jocelyn Benson
Michigan Secretary of State

Agenda for Initial Convening of the Commission
September 17-18, 2020

Day 1, Morning Session: Getting Started

Date: September 17, 2020
Time: 9:00am – 12:30pm

1. Call to Order and Welcome
2. Roll Call
3. Public Comment
4. Housekeeping and logistics
5. Introductions
6. *Decision Point*: Acting Chair
    - Commission votes on acting chair

Day 1, Afternoon Session: Orientation

Date: September 17, 2020
Time: 2:00pm – 5:30pm

1. Introduction to Role as a Commissioner
    - Responsibilities and expectations
    - Government structure and framework
    - Deadlines and timeline

2. Basics of Article IV, Section 6
    - Process and mapping criteria
    - Panel discussion on Criteria and Public Hearings. Panelists include:
        - Moderator: Matt Grossmann, Director for the Institute for Public Policy and Social Research at Michigan State University
        - John Chamberlin, professor emeritus at University of Michigan
        - Jon Eguia, professor at Michigan State University

3. Lessons from California and Arizona Commissions
    - Presentation and reflections from other citizen commissions nationwide. Panelists include: Andre Parvenu (CA, no party preference), Vincent Barabba (CA, Republican), Cynthia Dai (CA, Democrat), Colleen Mathis (AZ, independent).

4. Public comment

Day 1 Meeting Adjourned

Day 2, Morning Session: Expert Panel Presentations

Date: September 18, 2020
Time: 9:00am – 12:30pm

1. Call to Order and Welcome
2. Roll Call
3. Public Comment
4. Redistricting 101
    - Panel presentation and discussion on redistricting history and basics. Panelists include:
        - Moderator: Tom Ivacko, executive director, Center for Local, State, and Urban Policy at the University of Michigan Ford School of Public Policy
        - Ellen Katz, professor of law at the University of Michigan Law School
        - Justin Levitt, professor of law at Loyola Law School

5. Redistricting in Michigan
    - Panel presentation
        - Moderator: Matt Grossmann, Director for the Institute for Public Policy and Social Research at Michigan State University
        - Chris Thomas, former Director of the Michigan Bureau of Elections
        - John Pirich, faculty at the Michigan State University Law School

6. Transparency & Independence Workshop
    - Overview of Open Meetings Act, Freedom of Information Act
    - Q&A/discussion

Day 2, Afternoon Session: Initial Decision Points

Date: September 18, 2020
Time: 2:00pm – 5:30pm

1. *Decision Point*: Structure
    - Discussion of several structural options
    - Commission votes on (initial) chair structure

2. *Decision Point*: Next steps to hire staff
    - Discussion of several potential next steps for staff
    - Commission votes on next steps for hiring staff

3. *Decision Point*: Future meeting(s)
    - Discuss options and availability for upcoming meetings
    - Commission votes on next meetings and agendas

4. Public Comment

Day 2 Meeting Concludes

Key Contacts

Contact Information for staff at the Michigan Department of State

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Questions, Comments, Concerns?

The Department of State is committed to ensuring all Commissioners are able to fully participate in the first meeting of the Commission. If you need technological or financial assistance, please let us know.

If you have any questions, comments, or concerns, you can contact Sally Marsh at MarshS3@Michigan.gov or 517-599-5347.

Introductory Materials and Resources

The following list of materials and resources may help you prepare for your service on the Commission. You may want to review them prior the first meeting.

Constitutional Language and State Government Resources

Michigan Constitution of 1963, Article IV, Section 6
"Independent citizens redistricting commission for state legislative and congressional districts." Full text included in the appendix, which can also be viewed online.

A Citizen's Guide to State Government
Prepared by the Michigan Legislature, February 2020. Full guide included in printed binder. It also can be viewed online.

Government Acronym Glossary
Prepared by Department of State staff. Full text included in appendix.

Open Meetings Act
Although the Commission is not governed by the Open Meetings Act, this handbook from the Attorney General's Office can be helpful as a reference guide. Also, please see Executive Order 2020-154 which addresses permissible conduct of public bodies during the COVID-19 pandemic.

Roberts Rules of Order
Roberts Rules of Order is a standard set of procedures to run a public meeting. The Commission may choose to utilize these rules, at least for the initial convening. A cheat sheet to Roberts rules is included in the Appendix.

Publicly Available Reports Prepared for the Michigan ICRC

A Commissioner's Guide to Redistricting in Michigan
Prepared by graduate students at the Princeton School of Public and International Affairs and the staff of the Princeton Gerrymandering Project. Full text included in printed binder and can be viewed online.

The Role of Communities of Interest in Michigan's New Approach to Redistricting: Recommendations to the Independent Citizens Redistricting Commission
Prepared by students and faculty from the University of Michigan Ford School of Public Policy's Center for Local, State, and Urban Policy (CLOSUP). Full text included in printed binder and can be viewed online.

Additional Redistricting Resources

Summary Report and Compilation of 2010 Commission Actions and Suggestions for Future Citizens Redistricting Commissions

Report prepared by the first California Citizens Redistricting Commission for future California Commissions. A brief summary of this document is provided in the Appendix and the full document is included in printed binder and can be viewed online.

When People Draw the Lines: An Examination of the California Citizens Redistricting Commission

Report on the first California Commission by the League of Women Voters California and Raphael J. Sonenshein. A brief summary of this document is provided in the Appendix and the full document can be viewed online.

All About Redistricting

Professor Justin Levitt's guide to drawing electoral lines. His introduction to redistricting can be viewed on his website "All About Redistricting."

Introductory Data and Mapping Resources

Your primary role as a Commissioner is to determine district lines based on the criteria in the Constitution. Several resources are compiled below which can help you familiarize yourself with district mapping, as well as the economic and demographic characteristics of the state.

Hands-On Redistricting Resources

The games, interactive explainers and public software listed below can help familiarize you with the concepts and challenges of redistricting. Please note that some of these sources, while great tools to learn and familiarize yourself with districting, are biased against or toward one approach. We have listed several different sources below in an effort to diversify opinions and approaches while still providing you with a hands-on introduction to the challenges and opportunities you will grapple with as a Commissioner.

A. Districtr

B. The Redistricting Game

C. GerryMander: A Voting District Puzzle Game

D. Dave's Redistricting

    a. Learn more about how to use the site to draw a district.

E. "The Atlas of Redistricting" from *FiveThirtyEight*

F. Antimander

Sources for Michigan Data

The sources listed below contain reputable information about Michigan geography, demography and economy, sources that may be helpful as you begin to consider communities and electoral districts.

A. U.S. Census Bureau, QuickFacts: Michigan.

B. "Community Profiles" tool from The Dorothy A. Johnson Center for Philanthropy.

C. "Population" information from the Michigan Bureau of Labor Market Information and Strategic Initiatives, Dept. of Technology, Management, and Budget.

D. "Economy at a Glance: Michigan" from the U.S. Bureau of Labor Statistics.

E. Poverty and Well-Being Map 2018-2019, University of Michigan Poverty Solutions.

Future Decisions and Draft Timelines

The sections below contain suggestions and considerations for the Commission. The information contained here is in no way meant to be comprehensive. The authors of this document simply aim to provide resources as food for thought and a starting point for the Commissioners.

Big-Picture Timeline

The timeline below is meant as a starting point and resource as you begin to consider how you will structure and schedule the next year of work as an independent Commission.

Deadlines or actions required by the Constitution are indicated with *italics* and a citation to the Constitutional text.

- September – December 2020: Planning
  - Hire staff
  - Adopt internal rules of procedure
  - Plan 2021 meeting and outreach schedule, strategy

- January – June 2021: Commission Deliberations and Public Hearings, Pt. 1
  - *Public hearings (at least 10)*[*]
  - Begin formulating first map(s)

- June – August 2021: Commission Mapping, Pt. 1
  - Finalize initial map(s) once Census data is available, which according to the U.S. Census Bureau will be no later than July 31, 2021.

- August 2021: Commission Deliberations and Public Hearings, Pt. 2
  - First map(s) completed and released to public for input
  - *Public hearings (at least 5)*[†]

- Late August – early September 2021: Commission Deliberations and Mapping, Part 3
  - Update maps based on public input

- *No later than September 17, 2021: Finalize map(s) and officially propose for a vote (allowing for 45-day period of public input).*[‡]
  - Vote on map(s)

- *By November 1, 2021 - Deadline for map adoption.*[§]

- *By December 31, 2021 - New redistricting plans will take effect.*[**]

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[*] See Article IV § 6 (8).
[†] See Article IV § 6 (9).
[‡] See Article IV § 6 (13) (b).
[§] See Article IV § 6 (7).
[**] See Article IV § 6 (17).

Draft Fall 2020 Meeting Schedule

The following draft schedule is meant as a starting point for the Commission as you consider next steps. The draft schedule is organized by week. Some weeks contain both an informational session and meeting to discuss Commission business, while others only contain agenda items for Commission business.

See "***Initial Decisions and Needs***" and "***Suggested Webinars and/or Presentations with Experts***" for further detail on the topics mentioned.

Week of September 28, 2020

- Meeting Agenda:
  - Solidify Commission internal structure as needed
  - Determine next steps for staffing, hiring practices and procedures (see initial decisions and needs #1)

- Webinar Topic: Michigan Demographics & the Census

Week of October 5, 2020

- Meeting Agenda:
  - Budgetary decisions (see initial decisions and needs #2)
  - Continue staffing discussions as needed

- Webinar Topic: Voting Rights Act Requirements and Racial Gerrymandering

Week of October 19, 2020

- Meeting Agenda:
  - Internal procedures and trainings (see initial decisions and needs #5)
  - Continued staffing discussions and budgetary discussions as needed

- Webinar Topic: Explaining Redistricting's Relationship with Math and Data

Week of November 9, 2020

- Meeting Agenda:
  - Mapping software and data decisions (see initial decisions and needs #4)
  - Continued staffing, budgetary, and internal procedures discussions as needed

- Webinar Topic: Map Software Options, and Public-Facing Mapping Tools

Week of November 16, 2020

- Meeting Agenda:
  - Technology decisions (see initial decisions and needs #3)
  - Continued staffing, budgetary, and internal procedures discussions as needed

Week of November 30, 2020

- Meeting Agenda:
  - Address outstanding staffing and budgetary needs
  - Begin planning 2021 initial hearings schedule

- Webinar Topic: Public Hearings: Outreach, Taking Testimony, & Communities of Interests

Week of December 7, 2020

- Meeting Agenda:
  - 2021 public hearings schedule
  - Outstanding business before the new year

Initial Decisions and Needs

An initial list of decisions the Commission will need to make and some potentially helpful resources for making those decisions are listed below. Again, these are meant purely as a starting point and are not necessarily listed in order of priority.

1. Staff Decisions
    a) What staff and consultants to hire?
        - *Executive Director* to oversee all operations of the Commission, administration and Commission staff and assist with navigation of government agencies and protocols
        - *Communications Director* to handle all media logistics, advise the Commission on its message and otherwise manage all public information aspects
        - *Outreach Director* to organize public hearings and serve as a primary point of contact for stakeholders and public input and engagement
        - *Office Manager* to serve as support staff in overseeing day-to-day operations and correspondence of the Commission
        - *Legal counsel* to provide legal expertise in possible litigation, to serve as a general counsel/staff attorney(s) and to provide expertise regarding the Voting Rights Act
        - *Racially Polarized Voting (RPV) Consultant* to assist with maintaining compliance with RPV requirements in the Voting Rights Act
        - *Mapping/technical consultant* to assist with technical facets of map drawing and data incorporation
    b) Hiring practices and procedures (See Appendix 5 for a list of suggested policies and procedures)

2. Budgetary decisions
    a) How do Commissioners plan to structure the compensation and reimbursement procedure?
    b) How will the Commission allocate their funds for public meetings, software staff and consultants?

3. Technology Decisions
    a) Website
        - Should the Commission create its own website or utilize the Secretary of State's website?
        - Does the Commission want to use the URL RedistrictingMichigan.org or a different URL?
    b) Email Addresses
        - What should the platform and formatting be for the Commission's email?
    c) Computers and cell phones

        - Will the Commission purchase work computers and/or cell phones? If so, what models will be purchased?
        - Network/data security protocols.

4. Mapping software and data
    a) Data
        - Will the Commission utilize the existing Michigan dataset maintained by the State of Michigan?
    b) Software
        - What mapping software will the Commission utilize? The same software as the Michigan Enhanced Redistricting Data Access Program or different?

5. Internal procedures (See Appendix 5 for a list of suggested policies and procedures)
    a) Code of conduct
        - Will the Commission adopt a code of conduct or other internal policies to help govern their work?
    b) Training
        - Will the Commission facilitate future trainings? For example:
            - Open meetings and facilitating public forums training
            - Training on harassment and discrimination
            - Media and public speaking training
            - Freedom of Information Act (FOIA) training

For Reference - Resources from California: draft hiring criteria; VRA Counsel – RFI, interview questions, work plan guidelines, and evaluation criteria; invitation for bids for redistricting services; agreements with Dept of General Services for accounting and HR; advisory subcommittee assignments; projected expenses; invitation for bid evaluation guide and procedures; RFI Special Litigation Counsel.

Suggested Webinars and/or Presentations with Experts

The following section details potential informational sessions that the Commission *could attend or include in future meetings*. These topics and experts were compiled and recommended by the academic working group who developed this guide. The Michigan Department of State can help facilitate and schedule if the Commission would like to include in future meetings.

Michigan Demographics & the Census

- Overview: Michigan contains a diversity of people, economic sectors, and regional interests. Much of this diversity will be shown through the eventual release of the United States Census Bureau's redistricting data. The purpose of this seminar will be to discuss the various interests across Michigan as well as the process for receiving and using Census data. With this knowledge, you will be able to identify areas across the state where you will want to hold public hearings as well as understand why Michigan is projected to lose a congressional seat.
- Possible panelists:
    - Eric Guthrie, Demographer for the State of Michigan
    - Lisa Neidert, retired data archivist from UM Population Studies Center
    - MSU Extension School representative

Public Hearings: Outreach, Taking Testimony, & Communities of Interest

- Overview: One of the Commission's responsibilities will be to hear live testimony from the public at public hearings, as well as collect public comment and input. Much of this public input will speak to communities of interest as defined in the Michigan Constitution, so this seminar will seek to expand your knowledge about this criterion. Additionally, building upon your understanding of the state's demographics, this seminar will provide suggestions on how to reach out to communities to ensure that you receive a large amount of public testimony and comments. Further, this seminar will provide opportunities to practice taking public testimony and to see more examples of such testimony from other states.
- Possible panelists:
    - Dan Claypool, Executive Director for the California Citizens Redistricting Commission in 2010-2011
    - John Chamberlin, professor emeritus, University of Michigan
    - Justin Levitt, professor of law, Loyola Law School
    - Mary Herring, associate professor, Wayne State University
    - David Dulio, professor, Oakland University
    - Nick Stephanopoulos, professor of law, Harvard Law

Voting Rights Act Requirements and Racial Gerrymandering

- Overview: A crash course in redistricting alone cannot provide a thorough overview of the requirements created by the Voting Rights Act and Equal Protection Clause. The

issues of race in redistricting have grown more complex since the 1980s. To meet this need, statistical measures have been created that will be important to the Commission's compliance with the Voting Rights Act and Equal Protection Clause.

- Possible panelists:
  - Ellen Katz, professor of Law, University of Michigan Law
  - David Becker, executive director, Center for Election Innovation and Research
  - Michael Li, senior counsel, Brennan Center
  - Leah Aden, deputy director of litigation, NAACP Legal Defense Fund
  - John Pirich, faculty, Michigan State University Law

Map Software Options, and Public-facing Mapping Tools

- Overview: There are many mapping tools that use geographic information systems (GIS) specifically for the purpose of redistricting. The most common names are Esri and Maptitude, both of which are sophisticated software used by most redistricting authorities. In addition to these proprietary tools, there are also public-facing tools such as Dave's Redistricting App, Districtr, DistrictBuilder, and Representable that the Commission should be aware of. It is highly likely that maps produced by these tools will be submitted through public testimony.
- Possible panelists:
  - State of Michigan Center for Shared Solutions (Department of Technology, Management, and Budget) Enhanced Redistricting Data Access Program representative
  - Representatives from redistricting software vendors (i.e. view list from the National Conference of State Legislatures)
  - Princeton Gerrymandering Project representative

Explaining Redistricting's Relationship with Math and Data

- Overview: Redistricting has been called one of the most complicated undertakings of state government, and part of this difficulty arises from the amount of math and data that goes into the process in order to comply with legal requirements. This panel will describe the more technical aspects that you need to know as a redistricting authority, including various metrics and types of data. Further, this discussion will have a particular focus on Michigan-specific data created by a bipartisan working group.
- Possible panelists:
  - Jowei Chen, associate professor, University of Michigan
  - Moon Duchin, associate professor at Tufts University and founder, Metric Geometry and Gerrymandering Group (MGGG)
  - Representative from State of Michigan Center for Shared Solutions (Department of Technology, Management, and Budget) Enhanced Redistricting Data Access Program
  - Eric Guthrie, Demographer for the State of Michigan

Appendix 1: Michigan Constitution of 1963 Article IV, Section 6

STATE CONSTITUTION (EXCERPT)
CONSTITUTION OF MICHIGAN OF 1963

Article IV – Legislative Branch

§ 1 Legislative power.

Sec. 1. Except to the extent limited or abrogated by Article IV, Section 6 or Article V, Section 2, the legislative power of the State of Michigan is vested in a senate and a house of representatives.

§ 2 Senators, number, term.

Sec. 2. The senate shall consist of 38 members to be elected from single member districts at the same election as the governor for four-year terms concurrent with the term of office of the governor.

§ 6 Independent citizens redistricting commission for state legislative and congressional districts.

Sec 6.

(1) An independent citizens redistricting commission for state legislative and congressional districts (hereinafter, the "commission") is hereby established as a permanent commission in the legislative branch. The commission shall consist of 13 commissioners. The commission shall adopt a redistricting plan for each of the following types of districts: state senate districts, state house of representative districts, and congressional districts. Each commissioner shall:

(a) Be registered and eligible to vote in the State of Michigan;

(b) Not currently be or in the past 6 years have been any of the following:

(i) A declared candidate for partisan federal, state, or local office;

(ii) An elected official to partisan federal, state, or local office;

(iii) An officer or member of the governing body of a national, state, or local political party;

(iv) A paid consultant or employee of a federal, state, or local elected official or political candidate, of a federal, state, or local political candidate's campaign, or of a political action committee;

(v) An employee of the legislature;

(vi) Any person who is registered as a lobbyist agent with the Michigan bureau of elections, or any employee of such person; or

(vii) An unclassified state employee who is exempt from classification in state civil service pursuant to article XI, section 5, except for employees of courts of record, employees of the state institutions of higher education, and persons in the armed forces of the state;

(c) Not be a parent, stepparent, child, stepchild, or spouse of any individual disqualified under part (1)(b) of this section; or

(d) Not be otherwise disqualified for appointed or elected office by this constitution.

(e) For five years after the date of appointment, a commissioner is ineligible to hold a partisan elective office at the state, county, city, village, or township level in Michigan.

(2) Commissioners shall be selected through the following process:

(a) The secretary of state shall do all of the following:

(i) Make applications for commissioner available to the general public not later than January 1 of the year of the federal decennial census. The secretary of state shall circulate the applications in a manner that invites wide public participation from different regions of the state. The secretary of state shall also mail applications for commissioner to ten thousand Michigan registered voters, selected at random, by January 1 of the year of the federal decennial census.

(ii) Require applicants to provide a completed application.

(iii) Require applicants to attest under oath that they meet the qualifications set forth in this section; and either that they affiliate with one of the two political parties with the largest representation in the legislature (hereinafter, "major parties"), and if so, identify the party with which they affiliate, or that they do not affiliate with either of the major parties.

(b) Subject to part (2)(c) of this section, the secretary of state shall mail additional applications for commissioner to Michigan registered voters selected at random until 30 qualifying applicants that affiliate with one of the two major parties have submitted applications, 30 qualifying applicants that identify that they affiliate with the other of the two major parties have submitted applications, and 40 qualifying applicants that identify that they do not affiliate with either of the two major parties have submitted applications, each in response to the mailings.

(c) The secretary of state shall accept applications for commissioner until June 1 of the year of the federal decennial census.

(d) By July 1 of the year of the federal decennial census, from all of the applications submitted, the secretary of state shall:

(i) Eliminate incomplete applications and applications of applicants who do not meet the qualifications in parts (1)(a) through (1)(d) of this section based solely on the information contained in the applications;

(ii) Randomly select 60 applicants from each pool of affiliating applicants and 80 applicants from the pool of non-affiliating applicants. 50% of each pool shall be populated from the qualifying applicants to such pool who returned an application mailed pursuant to part 2(a) or 2(b) of this section, provided, that if fewer than 30 qualifying applicants affiliated with a major party or fewer than 40 qualifying non-affiliating applicants have applied to serve on the commission in response to the random mailing, the balance of the pool shall be populated from the balance of qualifying applicants to that pool. The random selection process used by the secretary of state to fill the selection pools shall use accepted statistical weighting methods to ensure that the pools, as closely as possible, mirror the geographic and demographic makeup of the state; and

(iii) Submit the randomly-selected applications to the majority leader and the minority leader of the senate, and the speaker of the house of representatives and the minority leader of the house of representatives.

(e) By August 1 of the year of the federal decennial census, the majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives may each strike five applicants from any pool or pools, up to a maximum of 20 total strikes by the four legislative leaders.

(f) By September 1 of the year of the federal decennial census, the secretary of state shall randomly draw the names of four commissioners from each of the two pools of remaining

applicants affiliating with a major party, and five commissioners from the pool of remaining non-affiliating applicants.

(3) Except as provided below, commissioners shall hold office for the term set forth in part (18) of this section. If a commissioner's seat becomes vacant for any reason, the secretary of state shall fill the vacancy by randomly drawing a name from the remaining qualifying applicants in the selection pool from which the original commissioner was selected. A commissioner's office shall become vacant upon the occurrence of any of the following:

(a) Death or mental incapacity of the commissioner;

(b) The secretary of state's receipt of the commissioner's written resignation;

(c) The commissioner's disqualification for election or appointment or employment pursuant to article XI, section 8;

(d) The commissioner ceases to be qualified to serve as a commissioner under part (1) of this section; or

(e) After written notice and an opportunity for the commissioner to respond, a vote of 10 of the commissioners finding substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office.

(4) The secretary of state shall be secretary of the commission without vote, and in that capacity shall furnish, under the direction of the commission, all technical services that the commission deems necessary. The commission shall elect its own chairperson. The commission has the sole power to make its own rules of procedure. The commission shall have procurement and contracting authority and may hire staff and consultants for the purposes of this section, including legal representation.

(5) Beginning no later than December 1 of the year preceding the federal decennial census, and continuing each year in which the commission operates, the legislature shall appropriate funds sufficient to compensate the commissioners and to enable the commission to carry out its functions, operations and activities, which activities include retaining independent, nonpartisan subject-matter experts and legal counsel, conducting hearings, publishing notices and maintaining a record of the commission's proceedings, and any other activity necessary for the commission to conduct its business, at an amount equal to not less than 25 percent of the general fund/general purpose budget for the secretary of state for that fiscal year. Within six months after the conclusion of each fiscal year, the commission shall return to the state treasury all moneys unexpended for that fiscal year. The commission shall furnish reports of expenditures, at least annually, to the governor and the legislature and shall be subject to annual audit as provided by law. Each commissioner shall receive compensation at least equal to 25 percent of the governor's salary. The State of Michigan shall indemnify commissioners for costs incurred if the legislature does not appropriate sufficient funds to cover such costs.

(6) The commission shall have legal standing to prosecute an action regarding the adequacy of resources provided for the operation of the commission, and to defend any action regarding an adopted plan. The commission shall inform the legislature if the commission determines that funds or other resources provided for operation of the commission are not adequate. The legislature shall provide adequate funding to allow the commission to defend any action regarding an adopted plan.

(7) The secretary of state shall issue a call convening the commission by October 15 in the year of the federal decennial census. Not later than November 1 in the year immediately following the federal decennial census, the commission shall adopt a redistricting plan under this section for each of the following types of districts: state senate districts, state house of representative districts, and congressional districts.

(8) Before commissioners draft any plan, the commission shall hold at least ten public hearings throughout the state for the purpose of informing the public about the redistricting process and the purpose and responsibilities of the commission and soliciting information from the public about potential plans. The commission shall receive for consideration written submissions of proposed redistricting plans and any

supporting materials, including underlying data, from any member of the public. These written submissions are public records.

(9) After developing at least one proposed redistricting plan for each type of district, the commission shall publish the proposed redistricting plans and any data and supporting materials used to develop the plans. Each commissioner may only propose one redistricting plan for each type of district. The commission shall hold at least five public hearings throughout the state for the purpose of soliciting comment from the public about the proposed plans. Each of the proposed plans shall include such census data as is necessary to accurately describe the plan and verify the population of each district, and a map and legal description that include the political subdivisions, such as counties, cities, and townships; man-made features, such as streets, roads, highways, and railroads; and natural features, such as waterways, which form the boundaries of the districts.

(10) Each commissioner shall perform his or her duties in a manner that is impartial and reinforces public confidence in the integrity of the redistricting process. The commission shall conduct all of its business at open meetings. Nine commissioners, including at least one commissioner from each selection pool shall constitute a quorum, and all meetings shall require a quorum. The commission shall provide advance public notice of its meetings and hearings. The commission shall conduct its hearings in a manner that invites wide public participation throughout the state. The commission shall use technology to provide contemporaneous public observation and meaningful public participation in the redistricting process during all meetings and hearings.

(11) The commission, its members, staff, attorneys, and consultants shall not discuss redistricting matters with members of the public outside of an open meeting of the commission, except that a commissioner may communicate about redistricting matters with members of the public to gain information relevant to the performance of his or her duties if such communication occurs (a) in writing or (b) at a previously publicly noticed forum or town hall open to the general public.

The commission, its members, staff, attorneys, experts, and consultants may not directly or indirectly solicit or accept any gift or loan of money, goods, services, or other thing of value greater than $20 for the benefit of any person or organization, which may influence the manner in which the commissioner, staff, attorney, expert, or consultant performs his or her duties.

(12) Except as provided in part (14) of this section, a final decision of the commission requires the concurrence of a majority of the commissioners. A decision on the dismissal or retention of paid staff or consultants requires the vote of at least one commissioner affiliating with each of the major parties and one non-affiliating commissioner. All decisions of the commission shall be recorded, and the record of its decisions shall be readily available to any member of the public without charge.

(13) The commission shall abide by the following criteria in proposing and adopting each plan, in order of priority:

> (a) Districts shall be of equal population as mandated by the United States constitution, and shall comply with the voting rights act and other federal laws.
>
> (b) Districts shall be geographically contiguous. Island areas are considered to be contiguous by land to the county of which they are a part.
>
> (c) Districts shall reflect the state's diverse population and communities of interest. Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests. Communities of interest do not include relationships with political parties, incumbents, or political candidates.
>
> (d) Districts shall not provide a disproportionate advantage to any political party. A disproportionate advantage to a political party shall be determined using accepted measures of partisan fairness.
>
> (e) Districts shall not favor or disfavor an incumbent elected official or a candidate.
>
> (f) Districts shall reflect consideration of county, city, and township boundaries.

(g) Districts shall be reasonably compact.

(14) The commission shall follow the following procedure in adopting a plan:

(a) Before voting to adopt a plan, the commission shall ensure that the plan is tested, using appropriate technology, for compliance with the criteria described above.

(b) Before voting to adopt a plan, the commission shall provide public notice of each plan that will be voted on and provide at least 45 days for public comment on the proposed plan or plans. Each plan that will be voted on shall include such census data as is necessary to accurately describe the plan and verify the population of each district, and shall include the map and legal description required in part (9) of this section.

(c) A final decision of the commission to adopt a redistricting plan requires a majority vote of the commission, including at least two commissioners who affiliate with each major party, and at least two commissioners who do not affiliate with either major party. If no plan satisfies this requirement for a type of district, the commission shall use the following procedure to adopt a plan for that type of district:

(i) Each commissioner may submit one proposed plan for each type of district to the full commission for consideration.

(ii) Each commissioner shall rank the plans submitted according to preference. Each plan shall be assigned a point value inverse to its ranking among the number of choices, giving the lowest ranked plan one point and the highest ranked plan a point value equal to the number of plans submitted.

(iii) The commission shall adopt the plan receiving the highest total points, that is also ranked among the top half of plans by at least two commissioners not affiliated with the party of the commissioner submitting the plan, or in the case of a plan submitted by non-affiliated commissioners, is ranked among the top half of plans by at least two commissioners affiliated with a major party. If plans are tied for the highest point total, the secretary of state shall randomly select the final plan from those plans. If no plan meets the requirements of this subparagraph, the secretary of state shall randomly select the final plan from among all submitted plans pursuant to part (14)(c)(i).

(15) Within 30 days after adopting a plan, the commission shall publish the plan and the material reports, reference materials, and data used in drawing it, including any programming information used to produce and test the plan. The published materials shall be such that an independent person is able to replicate the conclusion without any modification of any of the published materials.

(16) For each adopted plan, the commission shall issue a report that explains the basis on which the commission made its decisions in achieving compliance with plan requirements and shall include the map and legal description required in part (9) of this section. A commissioner who votes against a redistricting plan may submit a dissenting report which shall be issued with the commission's report.

(17) An adopted redistricting plan shall become law 60 days after its publication. The secretary of state shall keep a public record of all proceedings of the commission and shall publish and distribute each plan and required documentation.

(18) The terms of the commissioners shall expire once the commission has completed its obligations for a census cycle but not before any judicial review of the redistricting plan is complete.

(19) The supreme court, in the exercise of original jurisdiction, shall direct the secretary of state or the commission to perform their respective duties, may review a challenge to any plan adopted by the commission, and shall remand a plan to the commission for further action if the plan fails to comply with the requirements of this constitution, the constitution of the United States or superseding federal law. In no event shall any body, except the independent citizens redistricting commission acting pursuant to this section, promulgate and adopt a redistricting plan or plans for this state.

(20) This section is self-executing. If a final court decision holds any part or parts of this section to be in conflict with the United States constitution or federal law, the section shall be implemented to the maximum extent that the United States constitution and federal law permit. Any provision held invalid is severable from the remaining portions of this section.

(21) Notwithstanding any other provision of law, no employer shall discharge, threaten to discharge, intimidate, coerce, or retaliate against any employee because of the employee's membership on the commission or attendance or scheduled attendance at any meeting of the commission.

(22) Notwithstanding any other provision of this constitution, or any prior judicial decision, as of the effective date of the constitutional amendment adding this provision, which amends article IV, sections 1 through 6, article V, sections 1, 2 and 4, and article VI, sections 1 and 4, including this provision, for purposes of interpreting this constitutional amendment the people declare that the powers granted to the commission are legislative functions not subject to the control or approval of the legislature, and are exclusively reserved to the commission. The commission, and all of its responsibilities, operations, functions, contractors, consultants and employees are not subject to change, transfer, reorganization, or reassignment, and shall not be altered or abrogated in any manner whatsoever, by the legislature. No other body shall be established by law to perform functions that are the same or similar to those granted to the commission in this section.

History: Const. 1963, Art. IV, § 6, Eff. Jan. 1, 1964 ;-- Am. Init., approved Nov. 6, 2018, Eff. Dec. 22, 2018
Compiler's Notes: The constitutional amendment set out above was submitted to, and approved by, the electors as Proposal 18-2 at the November 6, 2018 general election. This amendment to the Constitution of Michigan of 1963 became effective December 22, 2018.
Constitutionality: The United States Supreme Court held in Reynolds v Sims, 377 US 533; 84 S Ct 1362; 12 L Ed 2d 506 (1964) that provisions establishing weighted land area-population formulae violate the Equal Protection Clause of the United States Constitution. Because the apportionment provisions of former art IV, §§ 2 - 6 are interdependent and not severable, the provisions are invalidated in their entirety and the Commission on Legislative Apportionment cannot survive. In re Apportionment of State Legislature—1982, 413 Mich 96; 321 NW2d 565 (1982), rehearing denied 413 Mich 149; 321 NW2d 585; stay denied 413 Mich 222; 321 NW2d 615, appeal dismissed 459 US 900; 103 S Ct 201; 74 L Ed 2d 161.

Appendix 2: Glossary of Terms

The following glossary provides publicly available definitions to some of the terms you may read in the materials contained in this binder or hear and use during the first convening of the Commission.

Apportionment	Apportionment is the process of dividing the 435 memberships, or seats, in the U.S. House of Representatives among the 50 states based on the apportionment population counts from the decennial census. Following the federal census, which is conducted every 10 years, a formula (determined at the federal level) assigns each state's number of congressional seats based on the new population count, a process known as apportionment.[1]
Census	Every 10 years, the federal government conducts a population count of everyone in the United States. Data from the census provide the basis for distributing more than federal funds annually to communities across the country. They also are used to redraw the boundaries of congressional and state legislative districts and accurately determine the number of congressional seats each state has in the U.S. House of Representatives.[2]
Chairperson(s)	The chairperson, or chairpersons, is/are the presiding officer(s) of an organized group.[22]
Communities of Interest	Communities of Interest are one of the seven redistricting criteria that the Commission must consider when drawing district lines, according to the constitution. The guidance provided in the Michigan Constitution is as follows: *"Districts shall reflect the state's diverse population and communities of interest. Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests. Communities of interest do not include relationships with political parties, incumbents, or political candidates." (§6.13.C)* [4]
Compactness	Compactness is one of the seven redistricting criteria that the Commission must consider when drawing district lines, according to the constitution. The Michigan Constitution states: *"Districts shall be reasonably compact." (§6.13.G)* [4] One intuitive way to define compactness is in terms of geometric shape, where a square or a circle is considered most compact. Other measures of compactness also take into account where people live, thus defining a district's compactness in terms of how close its residents live to one another.[4]

Competitiveness	A competitive district is one in which the expected electoral outcome is close enough that the party (and therefore incumbent) is likely to change on a regular basis.[4]
Congressional District	Congressional districts in the U.S. are electoral divisions for the purpose of electing members of the U.S. House of Representatives. After the apportionment of congressional seats among the States based on census population counts, each State is responsible for establishing congressional districts for the purpose of electing representatives.[5] For the drawing of congressional districts, the population of congressional districts must equal population "as nearly as is practicable.[4]"
Contiguity	Contiguity is one of the seven redistricting criteria that the Commission must abide by when drawing district lines, according to the constitution. *The Michigan Constitution states: "Districts shall be geographically contiguous. Island areas are considered to be contiguous by land to the county of which they are a part." (§6.13.B)* [4] Contiguity refers to the rule that electoral districts in a state be physically adjacent. A district is considered contiguous if all parts of the district are in physical contact with some other part of the district. Generally, a district is also considered contiguous if the district is split by a body of water, but there is a method of transport over the water, such as a bridge.[6]
Efficiency Gap	The efficiency gap is a standard for measuring partisan gerrymandering by counting the number of votes each party "wastes" in an election. It is can be used to determine whether either party enjoyed a systematic advantage in turning votes into state legislative or congressional seats. In other words, it is a measure of which party is better able to convert their votes into legislative seats, and if an efficiency gap is too high, it may indicate the presence of partisan gerrymandering[16,7]. A "wasted" vote is a concept used to refer to any vote cast for a losing candidate, as well as all the votes cast for a winning candidate in excess of the number needed to win[16,7]. As an equation, the efficiency gap looks like this: *Efficiency Gap = (Ttl Dem Wasted Votes – Ttl Rep Wasted Votes) ÷ Ttl Votes*
Gerrymandering	Gerrymandering is when a political group or party tries to change a voting district to create a result that helps them or hurts the group or party who is against them.[9]

Incumbency	Incumbency is one of the seven redistricting criteria that the Commission must consider when drawing district lines, according to the constitution. The Michigan Constitution state: "*Districts shall not favor or disfavor an incumbent elected official or a candidate." (§6.13.E)*[4] An incumbent is an elected political official or representative currently holding office.
Independent Citizens Redistricting Commission	The Independent Citizens Redistricting Commission (or "the Commission") is a randomly selected commission of citizens in Michigan responsible for drawing U.S. Congressional and Michigan State House and Senate district lines. Voters amended the state constitution in the November 2018 general election to make citizens — not legislators or special interests — responsible for drawing district lines (called "redistricting"). The Commission is composed of 13 randomly selected Michigan registered voters: four who affiliate with the Democratic Party, four who affiliate with the Republican Party, and five who do not affiliate with either major political party.[12]
Legislator	A person who makes laws; a member of a legislative body.[17]
Majority Minority District	A district in which a minority group constitutes at least 50 percent plus one person of the voting-age population. A majority minority district is designed to fulfill Section 2 of the Voting Rights Act.[10]
Open Meetings Act	The Michigan Open Meetings Act provides the public with a right of access to the meetings of a large number of government bodies at the state and local level in Michigan. The law entitles residents to notice of these meetings and provides the opportunity to inspect and copy meeting minutes.[11]
Opportunity-to-Elect District	A district in which a minority group is large enough to play a dominant role in the primary election of a party that is likely to win at least 50 percent of the vote in the general election.[4]
Packing and Cracking	Techniques used in gerrymandering, or the drawing district lines in a manner so as to benefit one group or political party, are called "Packing" and "Cracking". "Cracking" involves spreading voters of a particular group or type among many electoral districts in order to deny the group a sufficiently large voting bloc in any particular district. "Packing" concentrates as many voters of one group or type into a single electoral district to reduce their influence in other districts.[9]

Partisan Fairness	Partisan fairness is one of the seven redistricting criteria that the Commission must consider when drawing district lines, according to the constitution. The Michigan Constitution states: *"Districts shall not provide a disproportionate advantage to any political party. A disproportionate advantage to a political party shall be determined using accepted measures of partisan fairness." (§6.13.D)* [4]
Political Boundaries	Political boundaries are one of the seven redistricting criteria that the Commission must consider when drawing district lines, according to the constitution. The Michigan Constitution states: *"Districts shall reflect consideration of county, city, and township boundaries."* (§6.13.F)
Polsby-Popper Score	The Polsby-Popper Score is used to measure an evaluate the compactness of electoral districts. This score measures the smoothness of district lines. It compares the area of a district to the area of a circle of equal perimeter. Districts with smooth borders and regular shapes score higher, and districts with squiggly borders will score lower. Scores range from 0.00 to 1.00, with 1.00 being the most compact.[4]
Proposal 18-2	A ballot initiative (commonly referred to as "Proposal 2") passed on November 6, 2018 by Michigan voters to amend the state constitution to restructure the state's legislative redistricting process and give the power of redistricting to the people of Michigan. The Amendment creates an Independent Citizens Redistricting Commission that will draw Michigan's legislative and congressional boundaries, as is required by federal law after each decade's Census. Previously, the redistricting process was a responsibility of the Michigan House and Senate.[12]
Redistricting	Every 10 years following the U.S. Census, district lines for political offices must be redrawn in states across the country to accurately reflect their population. This process of drawing district lines is known as "redistricting."[12]
Redistricting Commissioner	A member of the Independent Citizens Redistricting Commission. Commissioners are expected to work with their 12 colleagues to craft new state legislative and U.S. congressional districts for the entire state of Michigan.
Reock Score	The Reock (REE-ock) score is used to measure an evaluate the compactness of electoral districts. This score compares the area of a district to the area of the smallest possible circle that can be drawn around it. This compares the district to a perfectly compact shape, a circle. Scores range from 0.00 to 1.00, with 1.00 being most compact.[4]

Responsiveness	The degree to which electoral outcomes change with shifting voter preferences.[4]
Secretary of State	In Michigan, the Secretary of State is the third-highest office in the state. The Secretary of State is the chief elections officer and also oversees vehicle registration and the licensing of automobile drivers. The Secretary of State is the "secretary without a vote" of the Michigan Independent Citizens Redistricting Commission once formed, and the administrator of the application and selection process for Commissioners. Once the Commission is seated, the Secretary of State must keep the public record and provide assistance the Commission as requested. [MI Constitution, Article IV, Section 6 (4), (17)].[12]
State Legislative Districts	State legislative districts are areas from which representatives and senators are elected to state legislatures. In drawing state legislative districts, the largest district can have up to 10 percent more people than the smallest district without provoking constitutional scrutiny. Variation is allowed in order to maintain the unity of cities, counties, and other communities.[4]
Transparency	In the context of government, transparency refers to openness to the public. Transparency promotes accountability and provides information for citizens about what their government and public officials are doing.[13]
Voting Rights Act	The Voting Rights Act (VRA) of 1965 aimed to overcome legal barriers at the state and local levels that prevented African Americans and other historically marginalized groups from exercising their right to vote as guaranteed under the 15th Amendment to the U.S. Constitution. The Voting Rights Act is considered one of the most far-reaching pieces of civil rights legislation in U.S. history.[14,8] The Voting Rights Act applies to redistricting to prevent states and localities from drawing districts that deny underrepresented minority groups a chance to elect a candidate of their choice. There are two important provisions. Section 2 applies nationally, and Section 5 applies only to certain "covered jurisdictions", although its coverage formula is not currently in effect. All district maps must comply with the Voting Rights Act.[15,8]

Appendix 3: Robert's Rules of Order Guide

This information was compiled from a variety of publicly available resources on Robert's Rules, including:

- BoardEffect's "Robert's Rules of Order Cheat Sheet for Nonprofits" by Nick Price
- The State of Michigan Attorney General's "Open Meetings Act Handbook"
- NAHC's "Robert's Rules in Short: A Guide to Running an Effective Meeting" by Blaine Honeycutt
- MAPRA's "Robert's Rule"

Robert's Rules of Order is a manual of parliamentary procedure that governs most organizations with boards of directors. In 1876, Henry Martyn Robert adapted the rules and practices of Congress to the needs of non-legislative bodies and wrote them in his book, which is still in use today. Commissioners are required to follow Robert's Rules of Order when conducting meetings.[17,21]

These rules of procedure are commonly used to facilitate the flow of business at meetings, to ensure fairness in debate, and to maintain order at meetings.[18] At your upcoming meetings, counsel will be present to provide you with any assistance you may need in using these rules at your meetings. In the meanwhile, we direct your attention to some information that you may find helpful regarding the most commonly used rules.

Role of the Chair

It is the obligation of the Chair to run an orderly meeting. Members of the body are not to speak until they have been recognized by the Chair. Except for a limited class of motions, a member may not interrupt another member when they have the floor.[19]

A skilled chairperson allows all members to voice their opinions in an orderly manner so that everyone in the meeting can hear and be heard. The following tips and reminders will help chairpersons to run a successful and productive meeting without being run over or running over others.[20]

- Follow the agenda to keep the group moving toward its goals.
- Let the group do its own work; don't over-command.
- Control the flow of the meeting by recognizing members who ask to speak.
- Let all members speak once before allowing anyone to speak a second time.
- When discussions get off-track, gently guide the group back to the agenda.
- Model courtesy and respect and insist that others do the same.
- Help to develop the commissioner's skills in parliamentary procedure by properly using motions and points of order.
- Give each speaker your undivided attention.
- Keep an emotional pulse on the discussions.
- Allow a consensus to have the final authority of the group.[21]

The Chair also rules on any votes and rules on any questions of proper procedure. In the event of a disruption in the meeting, the Chair may call to return the meeting to order. Generally, under RR the Chair does not participate in debate or vote unless the chair's vote affects the outcome of the motion. Some committees have changed this by rule to always allow the chair to vote.[19]

Opening a meeting

One of the most basic rules of parliamentary procedure is advance notice of a meeting, which is required for certain types of meetings. The goal of advance notice is to ensure that all participants are aware of when and where the meeting will be held, what they'll discuss and the order in which they'll discuss things.[21]

In Michigan, public notice is a requirement of the Open Meetings Act (OMA) – a meeting of a public body cannot be held unless public notice is given consistent with the OMA. A public notice must contain the public body's name, telephone number, and address, and must be posted at its principal office and any other locations.[3]

Commissioners usually vote to approve the agenda at the start of the meeting; once that has happened, nothing additional can be put on the agenda or discussed at the meeting. The opening of a meeting begins with a call to order, followed by a roll call. The meeting will then proceed through the remainder of the agenda.[21]

Agenda

Each item on the agenda is an official item for discussion. Commissioners open up a discussion by making a motion. Once Commissioners make a motion, it's considered to be "on the table," and the Commission Chair must handle the motion in some manner.[21]

In order to discuss an item on the agenda, a Commissioner must first make a motion by saying, "I move to…." A different Commissioner must second the motion for the discussion to ensue. In the event that no one chooses to second the motion, the Commission Chair must handle the motion by announcing something along the lines of, "Hearing no second, the motion is dropped."

As long as someone seconds a motion, the person who made the motion opens up the discussion by stating his or her opinion on it. The Commission Chair facilitates the discussion, drawing all members and perspectives into the discussion. The final step is for the Commission Chair to restate the motion and for the Commission to vote on it.[21]

When it becomes clear that the commission isn't ready to make a decision on an item, rather than vote on it, a Commissioner could choose to postpone the item indefinitely. That gives the Commission the option of taking up the item at a later meeting. Under this circumstance, a commissioner makes a motion to postpone an item and a different member must give it a second before the entire commission votes to postpone it.[21]

Postponing an item shouldn't be confused with tabling an item, which allows the Commission to bring the item up again later in the meeting or on a later date. As in postponing an item, tabling an item requires a Commissioner to second the motion and the commission must vote to table the item.[21]

A skilled chair or facilitator will know when it's time to wind the discussion down and bring it to a vote. At the appropriate time, it's proper for the commission chair to "put the question," which signals the commission for someone to move to call for a vote on the question. The motion to vote should signal a second on the motion, and a call for the vote. If two-thirds of the commission votes in favor of the question, it passes.[21]

A typical agenda includes	Example of Language used by the Chair
Call To Order	"I call this meeting to order"
Roll Call	"Will the secretary please do a roll call?"
Reading & Approval of Minutes	We have a quorum. Will the secretary please read the minutes of the last meeting?" "Are there any corrections to the minutes?"
Reports of Officers	"If there are no corrections, the minutes stand approved". "We'll now move to the officer's reports. Will the treasurer, [treasurer's name] read/submit their report."
Unfinished Business	"Are there any questions concerning the treasurer's report? (if none) Will the next officer please give their report?" "We'll now move on to unfinished business. At the last meeting…"
New Business	"The meeting is now open for new business" "It has been moved and seconded that….is there any further discussion?" "We will now vote on that motion that… all in favor say "Aye". All opposed say "Nay". (if passed) The motion has passed."
Announcements	"Are there any announcements?" The next meeting will be held on….."
Public Comment	"The meeting is now open for Public Comment. If any member of the public wishes to address the commission you may do so now. (if time limit imposed) Please note that each public comment is limited to 3 minutes.
Adjournment	"May I please have a motion to adjourn the meeting?"

Public Comment

The Michigan Open Meetings Act allows for a public body to adopt a rule imposing individual time limits for members of the public addressing the Commission. For example, the Commission may state that each member of the public's comment period is limited to 3 minutes per-person. However, a rule limiting the overall time allotted to the public comment portion of the meeting is not allowed.[3]

"In order to carry out its responsibilities, the board can also consider establishing rules allowing the chairperson to encourage groups to designate one or more individuals to speak on their behalf to avoid cumulative comments. But a rule limiting the period of public comment may not be applied in a manner that denies a person the right to address the public body, such as by limiting all public comment to a half-hour period" ***OMA Handbook.***[3]

The Commission has discretion when to schedule the public comment during the meeting. Suggested schedule is at the beginning of the meeting, the end of the meeting, or both. However, public comment must only be confined to its designated place on the agenda. Members of the public do not have the right to address the Commission during its deliberations on a particular matter.[3]

Types of Motions[19]

- **Main Motion:** Introduce a new item
- **Subsidiary Motion:** Change or affect how to handle a main motion (vote on this before main motion)
- **Privileged Motion:** Urgent or important matter unrelated to pending business
- **Incidental Motion:** Questions procedure of other motions (must consider before the other motion)
- **Motion to Table:** Kills a motion
- **Motion to Postpone:** Delays a vote (can reopen debate on the main motion)

Every Motion Has 6 Steps:

1. **Motion:** A member rises or raises a hand to signal the chairperson.
2. **Second:** Another member seconds the motion.
3. **Restate motion:** The chairperson restates the motion.
4. **Debate:** The members debate the motion.
5. **Vote:** The chairperson restates the motion, and then first asks for affirmative votes, and then negative votes.
6. **Announce the vote:** The chairperson announces the result of the vote and any instructions.

TIP! If the Commission is in obvious agreement, the chairperson may save time by stating, "If there is no objection, we will adopt the motion to…" Then wait for any objections. Then say, "Hearing no objections, (state the motion) is adopted." And then state any instructions. If a member objects, first ask for debate, then vote and then announce the vote.

Requesting Attention

Certain situations need attention during the meeting, but they don't require a motion, second, debate or voting. It's permissible to state a point during a meeting where the chairperson needs to handle a situation right away. Commissioners can declare a Point of Order, Point of Information, Point of Inquiry or Point of Personal Privilege.

- **Point of Order:** Draws attention to a breach of rules, improper procedure, breaching of established practices, etc.
- **Point of Information:** A member may need to bring up an additional point or additional information (in the form of a nondebatable statement) so that the other members can make fully informed votes.
- **Point of Inquiry:** A member may use point of inquiry to ask for clarification in a report to make better voting decisions.
- **Point of Personal Privilege:** A member may use point of personal privilege to address the physical comfort of the setting such as temperature or noise. Members may also use it to address the accuracy of published reports or the accuracy of a member's conduct.

Action	What to Say	Can interrupt speaker?	Need a Second?	Can be Debated?	Can be Amended?	Votes Needed
Introduce main motion	"I move to..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move to amend the motion by...." (add or strike words or both)	No	Yes	Yes	Yes	Majority
Move item to committee	"I move that we refer the matter to committee."	No	Yes	Yes	No	Majority
Postpone item	"I move to postpone the matter until..."	No	Yes	Yes	No	Majority
End debate	"I move the previous question."	No	Yes	Yes	No	Majority
Object to procedure	"Point of order."	Yes	No	No	No	Chair decision
Recess the meeting	"I move that we recess until..."	No	Yes	No	No	Majority
Adjourn the meeting	"I move to adjourn the meeting."	No	Yes	No	No	Majority
Request information	"Point of information."	Yes	No	No	No	No vote
Overrule the chair's ruling	"I move to overrule the chair's ruling."	Yes	Yes	Yes	No	Majority
Extend the allotted time	"I move to extend the time by ___ minutes."	No	Yes	No	Yes	2/3
Enforce the rules or point out incorrect procedure	"Point of order."	Yes	No	No	No	No vote
Table a Motion	"I move to table..."	No	Yes	No	No	Majority

Verify voice vote with count	"I call for a division."	No	No	No	No	No vote
Object to considering some undiplomatic matter	"I object to consideration of this matter…"	Yes	No	No	No	2/3
Take up a previously tabled item	"I move to take from the table…"	No	Yes	No	No	Majority
*Reconsider something already disposed of	"I move to reconsider our action to…"	Yes	Yes	Yes	Yes	Majority
Consider something out of its scheduled order	"I move to suspend the rules and consider…"	No	Yes	No	No	2/3
Close the meeting for executive session	"I move to go into executive session."	No	Yes	No	No	Majority
Personal preference-noise, room temperature, distractions	"Point of privilege"	Yes	No	No	No	No vote

*A member may make a motion to reconsider something that was already disposed; however, the reconsidered motion may not be subsequently reconsidered. A motion to reconsider must be made during the same meeting and can extend to a meeting that lasts for more than one day.

Additional Resources

- Roberts Rules Revealed Youtube Videos
- Michigan's Open Meetings Act Handbook
- The Official Roberts Rules of Order Web Site

Appendix 4: Draft Code of Conduct

The draft code of conduct below is meant as a reference and starting point for the Commission to consider as you begin to formulate your next steps, procedures and policies.
Sections "D" and "K" are drawn directly from the California CRC Code of Conduct.

A. Commissioners shall perform their duties in a manner that is impartial and reinforces public confidence in the integrity of the redistricting process.

B. Commissioners shall demonstrate honesty, integrity, and professionalism in their duties.

C. Commissioners shall conduct themselves in a manner which reflects positively on the Commission and shall put the responsibilities and integrity of the Commission above personal or political gain.

D. Commissioners shall not support or oppose specific ballot measures and/or legislative bills prior to November 1, 2021. Lobbying under the IRS definition is not permitted.

E. Commissioners shall actively foster an environment of thoughtful and purposeful bi-partisan collegiality at all times.

F. Commissioners shall be respectful, tolerant, and impartial towards their colleagues, staff, fellow governmental agency partners and the public.

G. Commissioners shall uphold and abide by the Michigan Constitution, the Commissioner Code of Conduct and all rules and regulations set forth or enacted by the Commission.

H. Commissioners shall refuse to engage in or sanction activities for personal gain at the expense of the Commission or in violation of government code or the rules and procedures enacted by the Commission.

I. Commissioners shall conduct its public hearings in a manner that invites wide public participation throughout the state.

J. Commissioners shall maintain transparency in process and procedure so as to instill public confidence in the Commission and redistricting process.

K. Commissioners shall actively seek bipartisan and non-partisan representation in their presentations and demonstrations at Commission meetings, public hearings, or third-party speaking engagements.

Appendix 5: Commission Bylaws and Internal Policies to Consider

The list below outlines aspects of bylaws or other internal policies the Commission may wish to draft and adopt to help facilitate their operations. Commissioners might consider charging hired staff, consultants, or employees to help draft or implement some or all of these policies or ask the Michigan Department of State for further assistance.

Commissioner Responsibilities and Expectations

- **Commissioner Payroll and Per Diem Policy** detailing what and how commissioners can expense items, billable hour information, travel policies, payroll, and time documentation.
- **Procurement Policy** outlining the proper steps and procedures for dealing with vendors, contracting outside state government, and procuring supplies, real estate, technology etc. The Commission could also choose to adopt the procurement policies of the Department of State or legislative chambers.
- **A Communications Policy** encompassing email, phone calls, and public commentary detailing how to handle media requests and public facing or stakeholder communications.
- **Commission Chair, Vice-Chair and/or Subcommittee Duties and Responsibilities** detailing the roles and procedures of each position and the purview of each subcommittee.

Staff Responsibilities and Expectations

- **A Commission Staff Code of Conduct** outlining workplace expectations and values for all hired employees.
- **Staff Handbook and Personnel Policy Procedure** detailing hiring and termination practices, orientation, staff evaluation procedure, Anti-Harassment Policies and how to handle reporting misconduct and whistleblower protections. Like the procurement policy, the Commission could choose to adopt the policies and procedures of the Department of State or legislative chambers.
- **Organizational Chart** providing a visual description of the chain of command and organizational hierarchy (see the Appendix for an example).

Operational Responsibilities and Expectations

- **Records Retention Guidance** detailing records management and FOIA requirements.
- **Public Hearing Plans** detailing protocols and contingencies for ensuring meaningful public participation as well as safety at public hearings.
- **Public Input Policy** explaining how, when and in what formats public commentary will be considered.
- **Equipment Policy** detailing proper use of state-issued technology and how to report stolen equipment.

For Reference - Resources from California: Conflicts Policy; Disclosure Policy for Hiring; CRC Conflict of Interest Code; Public Input Policy; Per Diem Guidelines; **Policy Manual** (includes code of conduct, communications policy, record retention, etc. See the Appendix for full text of the document)

Appendix 6: California Commissioner Best Practices & Recommendations

The structure and responsibilities of California's Citizen Redistricting Commission is similar to that of Michigan's. Both commissions require a random selection of everyday citizens to serve, public hearings throughout the state with solicitation of feedback and the submission of electoral district maps that meet strict guidelines. California's commissioners navigated these responsibilities and the challenges of their roles for the first time in 2010.

Following the conclusion of California's 2010 redistricting cycle, several reports were drafted examining the processes, procedures, and the unfolding of events from the selection process through the successful adoption of new district lines. These reports contain key points and recommendations to all future iterations of the commission. Below is a summary two such reports. The first report summarized below is printed and included in this binder, and can be accessed online.

Summary: California Commission Report

"Summary Report and Compilation of 2010 Commission Actions and Suggestions for Future Citizens Redistricting Commissions," California Citizens Redistricting Commission. Report compiled and written by Dr. Gabino Aguirre in April 2016.

Training

- Training should be robust and thorough to ensure commissioner's comprehension. Training plans should include a strategy for training of any "replacement" commissioners during the term of the Commission.

Operations

- To create team cohesion, it is highly encouraged that commissioners engage in "get-to-know-you" type activities and socialization after-hours.
    - Future commissions could consider participating in sessions led by consultants and aimed at the development of high-performance teams.
- The Commission decided on a shared governance model, with rotating Chairs and Vice Chairs.
    - The commissioner who served as Vice Chair for the previous meeting became Chair for the next session of business meetings.
    - The executive director drew up the rotation to ensure that at no time would the Chair and Vice Chair be from the same party.
- Hiring Practices
    - Begin the hiring of all staff and consultants as early as possible
    - All staff candidates' knowledge, background, and experience with state agencies are considered critical for the job (including state contracting, procurement, and reimbursement procedures, as well as resourcefulness, teamwork, and strong public interaction skills)

    - The executive director should be tasked with hiring all support roles.
        - The Commission suggests that commissioners should not be involved in the management of all subordinate staff. The hierarchy should be clearly delineated (see appendix XX for organizational chart).
    - The governing structure should include a personnel committee, either as a separate committee or as a subgroup under the "Finance and Administration Committee"

Public Input and Comment

- Establish guidelines and processes for receiving input
    - Consider hiring an agency to monitor and organize all public input, provide summary reports to CRC, and also look for ways to increase web interactivity with the public.
    - Be aware of potential email spoofing schemes designed to advance a particular point of view benefitting one or more groups
- Plan and allocate funds for a comprehensive outreach and public education campaign on mapping and district line requirements and constitutional criteria.
    - Communities of interest should be carefully defined and clearly articulated to the public.
    - Utilize and build relationships with community-based organizations to educate the public
- Provide practical time limitations, guidelines and establish expectations for the public during meetings
    - At the beginning of each meeting, the public should be reminded of acceptable and non-acceptable comments and behaviors. Protocols should be in place to handle any emergencies and/or disruptions that may arise.

Mapping

- Establish how to incorporate public comment into the drawing of maps
- The Commission suggests starting to draw maps based on the Voting Rights Amendment First – these are the first puzzle pieces.
- Provide the public with multiple drafts over time of the statewide maps

Summary: League of Women Voters of California Report

"When the People Draw the Lines," An Examination of the California Citizens Redistricting Commission, by Raphael J. Sonenshein

Key Findings - Successes

- Overall, the California citizen redistricting process was a success.
- The commission sought and obtained a massive amount of public input, including testimony at public hearings, emails, draft maps, and other communications.
- The commission earned majority votes for its final maps from all three required groups of commissioners: Democrats, Republicans, and those not aligned with either major party. The maps survived strenuous legal challenges in state and federal courts with no adverse judicial decisions.
- According to public-opinion polling, voters responded positively to the work of the commission.
- In a comparative study of transparency of state governing processes in which the state received a B overall, the citizen redistricting process received an A, with a score of 100 percent.

Key Findings - Opportunities

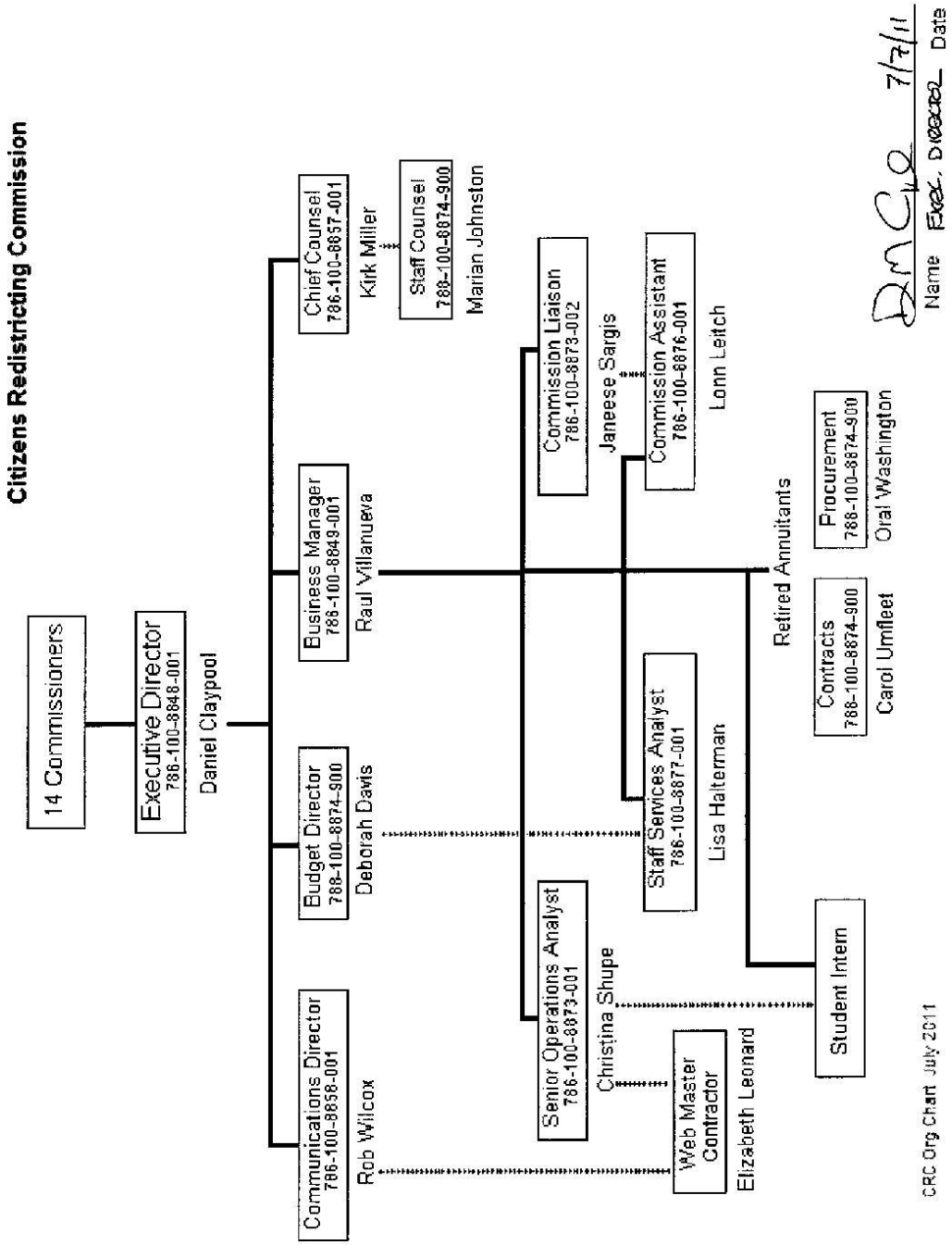
- The commission's organization and operation received significantly less attention in time, planning, and funding than did the selection of commissioners.
- The commissioners had limited opportunity to design the expectations and job descriptions of staff and consultants. With tight timelines, commissioners increased their own workload in administrative matters.
- State contracting rules hindered the commission's ability to operate in a timely manner, especially in the commission's early stages.
- Commissioners struggled to weigh public input because of its sheer volume.
- Although the commission was established to last ten years, no role was defined for the commission's work beyond drawing the lines and defending lawsuits.
- Commissioner training, particularly in the application of the Voting Rights Act, was delayed and/or inadequate.
- The commission lacked sufficient help in digesting and utilizing public input.
- Some commissioners and members of the public found it difficult to track changes being made in the maps.

Recommendations

- In future redistricting cycles, the greatest share of resources and time should be devoted to the preparation and deliberations of the commission, including how the commissioners are trained, how they gather information, and how they deliberate.
- The next commission should have more time to do its work, with the commission in place at least five months earlier in the process than the 2011 commission was.

- The next commission should begin the mapping process earlier.
- An organizational support system for the operation of the commission should be in place before the commission convenes. This information should be offered by a single governmental agency or outside organization with relevant experience.
- The commissioners should delegate administrative tasks as much as possible to staff and consultants.
- Commissioners should set the criteria and job descriptions for staff and consultants, through a public process, and make hiring decisions from the widest array of qualified applicants. New staff models should be explored, including bipartisan teams.
- The state should assign a staff person to handle logistical matters for the commission.
- The commission should cast a wide net for staff from both inside and outside the state government with experience working with appointed or elected citizen bodies.
- Research on historical polarized voting should be undertaken before the commission begins the deliberation process.
- In the next iteration, the commission should improve the tracking of revisions to maps in order to give greater opportunities for public input.
- The budget for the next commission should include funds for user-friendly tools and technology that give the public thorough access to data and proposals and easy opportunities to provide effective testimony and proposed maps.
- The commission budget should include funding for a consultant whose main task is to collect and analyze public input to the commission.
- Commissioner travel costs should be reduced by conducting some hearings using distance technology and in some cases not requiring all commissioners to attend.

Appendix 7: California Commission Organizational Chart



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