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MICRC

20240130-0900 Meeting

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>> CHAIR ORTON: As Chair of the Commission I call this meeting of the Michigan Independent Citizens Redistricting Commission to order at 9:00 a.m.

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Members of the media who may have questions before, during or after the meeting should direct those questions to Edward Woods, III, Executive Director for the Commission, at Woods E3@Michigan.gov or 517-331-6309.

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

>> YVONNE YOUNG: Good morning, Commissioners. It's snowing I should say here. Commissioners, please say present when I call your name. If you are attending the meeting remotely please announce during roll call you are attending the meeting remotely unless your absence is due to military duty announce your physical location by stating the City, Township or village you are attending from including the state. I will begin alphabetically with Commissioner Andrade?

>> ELAINE ANDRADE: Present from Imlay City, Michigan.

>> YVONNE YOUNG: Commissioner Callaghan?

>> DONNA CALLAGHAN: Present attending remotely from Mexico.

>> YVONNE YOUNG: Commissioner Curry?

>> COMMISSIONER CURRY: Present and attending remotely from Detroit, Michigan.

>> YVONNE YOUNG: Commissioner Eid? Commissioner Kellom? Commissioner Lange? Commissioner Lett?

>> COMMISSIONER LETT: Present attending remotely from Lee county, Florida.

>> YVONNE YOUNG: Commissioner Muldoon?

>> MARCUS MULDOON: Present remote from Carrolton, Michigan.

>> YVONNE YOUNG: Commissioner Orton?

>> CHAIR ORTON: Present attending remotely from Battle Creek, Michigan.

>> YVONNE YOUNG: Commissioner Szetela?

>> COMMISSIONER SZETELA: Present attending remotely from Wayne County, Michigan.

>> YVONNE YOUNG: Commissioner Vallette?

>> COMMISSIONER VALLETTE: Present attending remotely from Highland Township, Michigan.

>> YVONNE YOUNG: Commissioner Wagner?

>> COMMISSIONER WAGNER: Present attending remotely from Eaton county, Michigan.

>> YVONNE YOUNG: Commissioner Weiss?

>> COMMISSIONER WEISS: Present attending remotely from Saginaw Township Saginaw Michigan.

>> YVONNE YOUNG: Madam Chair we have ten Commissioners present. You have a quorum.

>> CHAIR ORTON: Thank you very much.

>> YVONNE YOUNG: You're welcome.

>> CHAIR ORTON: It looks to me like Commissioner Kellom.

>> COMMISSIONER KELLOM: I was going to say this is Commissioner Kellom, sorry.

>> YVONNE YOUNG: Hi Commissioner Kellom and you are attending from.

>> COMMISSIONER KELLOM: Wayne County good morning.

>> YVONNE YOUNG: Good morning, thank you. You now have 11 Commissioners present, thank you.

>> CHAIR ORTON: Thank you. As a reminder to the public watching you can view the agenda at www.Michigan.gov/MICRC. I will now entertain a motion to approve the meeting agenda.

>> COMMISSIONER WAGNER: So moved.

>> COMMISSIONER VALLETTE: Second.

>> CHAIR ORTON: Moved and seconded we approve the meeting agenda. And is there any discussion? I see Director Woods.

>> MR. EDWARD WOODS: Yes. Commissioner Szetela requested that her presentation not take place today. And then there was some questions from the Commission with regard to the Voting Rights Act analysis data. And max, Dr. Max palmer is available to come and answer the Commission's questions today at 11:00. And so just want to make those two notations.

>> CHAIR ORTON: Okay.

>> MR. EDWARD WOODS: For the Commission's consideration.

>> CHAIR ORTON: To amend the agenda that would be unfinished business 5B would be Voting Rights Act data analysis by max palmer. And then in place of the individual map presentation. And then for new business all we would have is deliberations we would take care of.

>> MR. EDWARD WOODS: Correct. Mr. Braden said yesterday it would take him a couple hours. So after Commissioner Szetela does her presentation of the map he said it will take a couple hours. So we are anticipating that today but that will take place tomorrow.

>> CHAIR ORTON: Okay, all right, so I'll make a motion, Commissioner Wagner?

>> COMMISSIONER WAGNER: I just want to know if we needed a motion to approve Rebecca's presentation for amended agenda.

>> CHAIR ORTON: Yeah, I think Commissioner Szetela you don't want to present today, right?

>> COMMISSIONER SZETELA:

>> CHAIR ORTON: I don't see her right now.

>> COMMISSIONER SZETELA: I'm here, sorry I was trying to unmute. No, I'm waiting for VRA analysis coming back from Braden and I want to see that before I present anything.

>> CHAIR ORTON: Okay, so the amended agenda I make a motion that we amend the agenda to replace unfinished business 5B with the V RA data analysis by max palmer. And then to take off the new business 6A and B. And just leave C. I hope that is clear. Do I have a second for that?

>> COMMISSIONER WAGNER: Seconded.

>> CHAIR ORTON: So we have a motion and a second from Weiss. Any discussion on the amended, the proposed amended agenda? Seeing none, all in favor of approving this amendment to the agenda raise your hand and say aye.

>> Aye.

>> CHAIR ORTON: Any opposed raise your hand and say nay. Okay, the amendment is approved. So now if I would entertain a motion to approve the amended agenda.

>> COMMISSIONER LETT: So moved.

>> CHAIR ORTON: Okay, moved and seconded. Moved by Commissioner Lett, seconded by Commissioner Curry or Wagner. And any discussion on that? Okay all in favor of approving the amended agenda raise your hand and say aye.

>> Aye.

>> CHAIR ORTON: Any opposed raise your hand and say nay. Okay, the amended agenda is approved.

So Vice Chair Janice Vallette will facilitate the public comment of today's meeting.

>> COMMISSIONER VALLETTE: Would objection we will begin the public comment pertaining to the agenda topic portion of our meeting. Hearing no objection, we will now proceed with public comment. Individuals who have signed up and indicated they would like to provide live remote public commentary to the Commission will now be allowed. I will call your name and our staff will unmute you. If you are on a computer you will be prompted by the Zoom app to unmute your microphone and speak. If you are on the phone, a voice will say that the host wants you to speak and prompt you to press star six to unmute. I will call on you by name or the last four digits of your phone number. Also, please note that if you experience technical or audio issues or we do not hear from you in three to five seconds we will move on to the next person in line and then return to you after they are done speaking. If your audio still does not work you can e-mail redistricting@Michigan.gov and we will help you trouble shoot so you can participate during the next public comment period or at a later meeting. You will have 90 seconds to address the Commission. Please conclude your remarks when you hear the timer. First in line to provide public comment is James Galant. Please.

>> MS. SARAH REINHARDT: Sorry Janice that participant is not present.

>> COMMISSIONER VALLETTE: Okay next in line is Ryan Reese, please allow our staff a moment to unmute you.

>>Can the Commissioners hear me?

>> COMMISSIONER VALLETTE: Yes.

>> Reverend Ryan Reese District 14 once again thank you very much for your work. We appreciate it. I have some serious concerns today. I would like to begin by saying any suggestion or entertaining of the prospect of ignoring public maps that have been submitted is unwise at best. Any suggestion that the maps that are submitted publicly might be tainted because it cannot be proven they are race blind is dishonest at the best of times and would serve as a blank check for the Commission to work rough shot over the public interest. Running counter to the very notion of having us comment in the fashion that we are. If publicly submitted maps are to be made ineligible for consideration, then the effort to have us comment on them or soliciting those maps would be largely futile and pointless at this stage in the game. And I cannot support this. The reality is that changes in the maps that were made yesterday has moved the maps towards a more partisan particularly republican view. And they were further along than they already were. And something needs to be done to make sure that these

boundaries still follow through with constitutional requirements of partisan fairness. I would ask that the Commission continue to pay attention to the publicly submitted maps. Thank you.

>> COMMISSIONER VALLETTE: Thank you for addressing the Commission. Next in line is Dallas Oliver. Please allow our staff a moment to unmute you.

>>Hello.

>> COMMISSIONER VALLETTE: Hi.

>> My name is Dallas Oliver. And I'm in Berkeley, Michigan. And I would like to say I worked countless hours, I collected signatures and knocked on doors for 90 days. Please don't redraw districts that don't need to be redrawn. Please redraw the necessary districts to reflect partisan fairness. Please redraw in a matter that meets the requirements of the Court's ruling. I ask you leave the surrounding districts intact. Experts have drawn and will submit maps with all 7 of the constitutionally required criteria that still reflects partisan fairness. These options don't give away fair elections in Michigan. The Commission should be encouraged to consider these submissions. Thank you very much.

>> COMMISSIONER VALLETTE: Thank you for addressing the Commission. Next in line is Chris Gilmer hill. Please allow our staff a moment to unmute you.

>>Good morning can I be heard?

>> COMMISSIONER VALLETTE: Yes we can hear you.

>> My name is Chris Gilmer hill palmer Woods resident. I will be brief today but want to address what stemmed out of yesterday's VRA analysis. I'm aware the Court has somewhat limited what the lawyers could present on directly I urge the Commission to ask about things that go beyond just Black voting age population because as it stands now I think the VRA analysis is limited to the point of being legally questionable in particular the analysis does not look at all at District one which is the southwest District that you have all drawn and which in all configurations is majority minority District with a large Hispanic population being ignored because it's not 100% Black. Same in District 3 in most configuration is majority Arab American configuration that is being totally ignored because they show up as white in census data which is the lawyer was basing his PowerPoint on. I think those are thing it's understandable you would not know looking at maps but things you should absolutely bring up. Urge if and when you do need to tweak some maps of 10 and 11 look at Grosse Pointes. What changes will have to sacrifice some COI but if you add morning side east English and Cornerstone village and Moross Morang in District 10, Spirit of Detroit or similar map and move St. Clair shores in District you can go to Black primary voting.

>> COMMISSIONER VALLETTE: Thank you for addressing the Commission. Next in line is Michelle Davis. Please allow our staff a moment to unmute you.

>> Hello.

>> COMMISSIONER VALLETTE: Hi.

>> I can be heard?

>> COMMISSIONER VALLETTE: Yes you can, please proceed.

>> Good morning Commissioners I'm Michael Davis from Promote the Vote. It changed 12 districts not 15 as misstated yesterday protects communities of interest and preserves partisan fairness without diluting Black and Brown Detroiters. The adaptations yesterday you were left 8 plans that are racial gerrymander and weakening the overall voting power. Mr. Braden highlighted four plans that said it would pass VRA analysis and removing VT and Peony left Daisy-2 with the next option without tweaks to the options from yesterday I can assure you the Commission will find itself in Court again because it violates the Federal VRA and packed like the 2010 the courts found gerrymandered in 2019. Review the criteria an order as stated in the Constitution given undue adherence to county lines and outdated racial segregation as a recipe for disaster easily avoidable meeting criteria VRA and other Federal laws ranked well above criteria six. What you offer Michiganders must meet the Court and Constitution or special masters plan will usurp the authority. We are a resource to the Commission to make sure it does not happen because you need to adopt the best final maps for all of us thank you for your time.

>> COMMISSIONER VALLETTE: Thank you for addressing the Commission. Next in line is Anthony Skannell. Please allow our staff a moment to unmute you.

>> Hello Commission. I think it's perfectly reasonable to change districts that are adjacent to the ones that need to be changed like 9 and 13 kind of in the middle of the whole scheme so it should probably be changed and definitely the two long skinny ones five and six, I mean, hey, any plan that doesn't change those I don't know, I think you guys should just change five and six out of self-respect to those that maybe that means they could not find a Plaintiff to challenge those. But I'm sure they would have been struck down. And District 4 too. I mean, I don't know some of the ones I liked were seemingly knocked out of the running yesterday. So I'm looking at what's left. And I heard something yesterday from the voting rights person, he said assuming his analysis was assuming that all of the plans met the Michigan constitutional criteria. And that's a big assumption. I mean, for example, I'm going to look at Daisy. Daisy, I mean it does not look like there is any COI interest going on in Daisy with District 8. It has like three prongs to it. Doesn't really follow any neighborhood lines it appears. And then Promote the Vote I mean I'm looking at Promote the Vote I don't see how that could have been drawn using anything but race because look at.

>> COMMISSIONER VALLETTE: Thank you for addressing the Commission. Next in line is Robert Dindoffer. Please allow our staff a moment to unmute you.

>> Hello, can you hear me?

>> COMMISSIONER VALLETTE: Yes, we can.

>> Hey folks, how are you? I requested a second public comment this morning so a couple things to say, I may or may not. The first thing I wanted to say is I really

appreciate the hard work you all do. And even when there are Commissioners that disagree with I respect them. I respect the fact that they have made a strong attempt to engage with folks from my community and take us into account. I'm saying this because in particular I saw someone post, is something on the comment portal last night who was apparently from my community that I thought was not the way I would have presented things. And but I do feel the same disappointment I think that maybe the person was expressing. I felt it was important to point out I think y'all are doing a great job of a really tough job. With that said to the substance of what I wanted to say. Obviously you heard from me I'm from the lakeshore suburb. I think the lakeshore suburb should be together and a clear community of interest. And with that said I've attempted to kind of synthesize that with the V RA analysis you got yesterday and some Semcog data, put together a concept of how the Spirit of Detroit map could be altered in the northeast Detroit and northeast suburbs areas to maybe give everybody what they want. I'm hoping y'all can take a look at it. And I hope whenever I'm cutoff I do get my second comment. But to kind of explain it, it includes the lakeshore District that folks in my area have talked about. And then it also based on Semcog data that comes from the American data survey from the Census Bureau shows there is a clear kind of dividing line in terms of lifestyle, in terms of home ownership. Median age. Education, income, all sorts.

>> COMMISSIONER VALLETTE: Thank you for addressing the Commission. Next in line is Robert Dindoffer with his second speaking. Please allow our staff a moment to unmute you.

>> Hey folks can you hear me?

>> COMMISSIONER VALLETTE: Yes.

>> Okay so continuing with that thought, in the area in the northeast suburbs I know none of you are from Macomb or the east side of Detroit so I've been trying to explain some things and I hope y'all just take it for what it's worth and it is backed up by that Semcog data I referenced. That the highways in the area kind of divide, talking about dividing but kind of they are different communities on either sides of the highways in terms of the lifestyle factors. I try to focus on home ownership because it's a big one. Are they renter communities? Are they homeowner communities? What you will see is if you are, cross 8 mile in some districts and go up to 696, that that is really I mean, it's dug into the ground and it's six lanes wide and some areas eight lanes wide and it divides where people of different lifestyles are living. And you can create three crossing eight-mile districts starting at Hazel Park in the southern part of Madison heights in northern Detroit and south Warren in northern Detroit and East Point Harper Woods and part of the east side of Detroit. And that gives you districts that fit community of interest standards. I think. And also I think could help you in terms of some of the other analyses that the Court will look at. That's my two cents, I hope you will look at it, thanks.

>> COMMISSIONER VALLETTE: Thank you for addressing the Commission. Next in line is Ryan Reese. Please allow our staff a moment to unmute you.

>> Can the Commissioners hear me?

>> COMMISSIONER VALLETTE: Yes.

>> So to continue on, thank you again for the additional time, I do feel that there are serious concerns about many of the changes that were being made yesterday that are beginning to shoehorn marginal republican seats into what were safely democratic areas. Once again, as one of the other commenters has made, this is starting to move us back in the direction of the previous maps in 2012 I believe it was where this was already found to be sufficiently party impartial that we had to redraw the maps this time around in the first place. You will find yourselves back in Court if we go this far backwards. You need to keep in mind all of the partisan fairness rubrics very carefully. And ignoring the public comments and the public submissions merely because of some sort of suggestion that they might be tainted as not being race blind is, again, intellectually dishonest and I would definitely not recommend that going forward. Thank you very much for your time.

>> COMMISSIONER VALLETTE: Thank you for addressing the Commission. Next in line is Anthony Skannell. Please allow our staff a moment to unmute you.

>> Hello. Again I think it's perfectly reasonable to change nine districts nine and 13 since they are in the middle of the whole scheme. And districts 5 and 6 definitely because they're just ridiculous and they are adjacent too so four probably. I mean, I don't -- I would have to, you know, look more into detail to which map changes which. But just talking about Promote the Vote for example. I actually like outside submissions. I like the idea of public involvement and all that, but I submitted myself. But I'm just looking at it based on the merits on Promote the Vote and once again I'm looking at District 9 Promote the Vote City of Highland Park and the City of Warren, I don't see how this District could have been drawn using anything but race. And that's just based on my opinion. And you see what a VRA lawsuit looks like. But constitutional criteria of community of interest, how can you have a lawsuit on that? There is no -- that's really hard to fathom. So if we don't get communities of interest we are just going to get bad results in our, you know, in our legislative process and there won't really be any recourse because can't imagine what a COI lawsuit would look like. Thank you.

>> COMMISSIONER VALLETTE: Thank you for addressing the Commission. That concludes our public comment. Please feel free to e-mail public comments to the Commission at redistricting@Michigan.gov. We appreciate everyone who offers public comment in whatever way you choose. And invite you-to-keep sharing your thoughts especially if you would like to share ways that, sorry, my text went out, it's not printed. We just invite you all to keep sharing your thoughts. Thank you.

>> CHAIR ORTON: Thank you, Commissioner Vallette.

Okay, so next on the agenda is unfinished business 5A. Litigation counsel advice on maps. I see Patrick Lewis on so without objection I will ask Patrick Lewis on behalf of Baker Hostetler to address us. Hearing no objection please proceed, Mr. Lewis.

>> Mr. Lewis: Good morning members of the Commission. I have been brought here to, you know, provide some feedback to you on the VRA advice you received yesterday and how that interacts with decisions to, you know, modify any districts. So that's what I'm here to talk about. I'm also available to answer the Commission's questions.

The VRA analysis that you received yesterday showed plans that perform better or perform in a less ideal way under one metric. That analysis is highly informative. From a litigation perspective, you know, how we would go about defending a plan that you pass in Court, I wanted to set that VRA analysis in context.

As you're aware, redistricting involves many metrics, and they must be considered together. In our case, you know, the VRA analysis that you received appears to speak clearly to the Court's concern with primary elections. That said, you know, it's not clear how much weight the three-Judge Federal panel may ultimately give that analysis. We would like to think it will give a weight to that analysis, but, you know, that's a question that does not have an easy answer as few things have an easy answer in this field.

For example, while the analysis shows that plans with 11 opportunity districts may satisfy the VRA, and that plans with less have a risk of litigation under the VRA, it is still possible the Court would accept a plan with fewer districts than that.

Notably in that regard the Federal Plaintiffs in this case propose ten opportunity House Districts as their VRA base line. So there are arguments should you adopt a plan with ten, your litigation counsel could make defensive plans with those number of districts. There may be other arguments we could make in favor of different approaches.

The second point is that in addition the District Court may prioritize race neutral plans over other considerations. And so this gets into if you have heard us talk to you before, you read it in the case law, you know, we talk about the competing hazards of liability between the Voting Rights Act and racial gerrymandering and similar concerns. And so the more that one attempts to optimize a particular plan to achieve a certain number of opportunity districts, you know, one runs the risk of creating a vulnerability under the racial gerrymandering doctrine that the Court just applied.

The difficulty in this choice and how to navigate between that -- those competing hazards that rock and a hard place is why so many plans have been struck down all over the country frankly under either the racial gerrymandering or Section Two doctrines. Map drawers think they are doing the right thing by eliminating one risk and it then creates a different risk.

So, you know, we certainly agree that the VRA analysis is probative and informative and will be very helpful, but we want to remind you it's not the sole criteria or set of considerations that will guide your next line drawing steps and ultimately the vote on

adoption. So I recognize that this is confusing and difficult. And it is for us too as your counsel. Unfortunately, the law is confusing and difficult. That's why there is so much litigation. There are no bright line rules. I can't tell you an easy fix. I don't have that. But I want to give you some practical guidance and some practical advice that may help you to create a path forward to incorporate this VRA analysis into your next steps.

You know, let's begin with one obvious point. The plans that the VRA analysis revealed have 11 opportunity districts. Don't appear to require changes based on racial considerations. Assuming that these plans were drawn without regard to racial data, they stand on a solid footing with respect to both the racial gerrymandering, you know, and VRA doctrines under the VRA advice that you received.

Again, that point assumes that race did not, you know, predominate or you know, factor into the configuration of those plans. That is not something I can verify. It's my understanding those plans were configured.

I understand there is a question about plans that have less than 11 opportunity districts. Mr. Braden gave the advice that plans with less than 11 are, you know, maybe vulnerable to a challenge under the Voting Rights Act. Those plans, you know, currently with less than 11 opportunity districts, you know, may benefit or may not benefit from changes based on racial considerations excuse me. But of course there are many different ways to make changes. And some are better than others. So to set this in the context of racial gerrymandering, the basic framework goes like this, you have heard this before, if race is the predominant consideration in the configuration of a District, then the strict scrutiny applies from the Court and we have to show that the districts use of race is narrowly tailored in this case to comply with the VRA. And we have gone through that with you.

Predominance is measured from the standpoint of the District as a whole in a wholistic analysis of all the District lines. So you should consider, you know, whether it is possible to add, you know, if you have a plan for example with ten and you want to add another one to get to 11, if you can make that change with a fairly minimal changes that effect the comparatively small number of voters, and not requiring, you know, community of interest choices that are problematic. For example joining territories that have no shared interest you know, purely or predominately to hit a racial target. If you can do that, there would be a strong argument that race did not predominate and the plans achieve the ideal would predominance. However, if there are more substantial changes, the more people you are moving, the more districts you have to change, you know, you will have to then face the difficult choice of whether it would be better to proceed with a race neutral plan with ten opportunity districts or the plan with 11 where you've made more substantial changes.

We are not giving you advice at this point on whether or not, you know, on which map to ultimately choose. The question before the Commission today is which plans or modifying plans which plans will be published for notice and comment.

The same principle applies by the way with you know, we talk about ten hypothetically it may also apply you know to districts even potentially with nine. Although I don't, you know, that is a question for you all as the people drawing the map. The question is always, you know, how many changes need to be made, how many people are impacted. And what is the ultimate, you know, goal that you are trying to achieve?

Here again we would just note, you know, for the Court, although it had a voting rights claim before it the Court has not stated that it expects a certain number of opportunity districts and it's impossible for us to say with certainty right now, you know, how much credence the District Court will ultimately give to that concept. So we understand the VRA analysis, that is all subject to what the Court wants. And it's an important analysis, it's good analysis but I can't tell you for sure what the Court is ultimately going to accept here. To operate sorry go ahead.

>> CHAIR ORTON: I see a hand. Maybe.

>> Okay.

>> CHAIR ORTON: Could you take a question?

>> Absolutely.

>> CHAIR ORTON: Commissioner Kellom?

>> COMMISSIONER KELLOM: This is Commissioner Kellom, I'm not sure if this is a question or a point of review or perhaps for the afternoon to talk more directly about the VRA analysis. However, the question of this morning 11 versus 9 versus 8, whatever, I think the challenge for me personally is that this optimized view of the number 11 only came from maps that really should not have been considering in the first place which went to another meeting where I wanted us to pair it down. But the maps of 11 were maps that were ineligible from the start or for one reason or another. And so now we are preparing other maps to the standard that maybe would never have existed. Like if we never knew about the number 11, then our comparison or our threshold would be something completely different. So I'm not sure what you will say about that. But that's something I have been thinking about since yesterday evening how the maps that were here and given the score of 11 are maps that hold great legal risk. So some have already been thrown out. It's almost as if the scoring for as the scoring related to 11 is a little irrelevant.

>> Mr. Lewis: I think the VRA analysis, and you certainly raise an important point, Commissioner Kellom. I think in response to that I would say, you know, you had I believe a total of four plans that were able to achieve the 11. And the analysis that under the Voting Rights Act is going to look at how many districts can be configured, consistent with the Commission's criteria, right? They are going to look at that. So I think the analysis, and I don't want to speak for Mr. Braden, I heard his presentation at the same time you did, and I think the issue is if, you know, it's looking at how Plaintiffs are going to look at this. It's looking at how the special master is going to look at this

and ultimately how the Court is. I don't think we can ignore 11. But as I mentioned, I think, you know, it's being thoughtful about how you configure districts. And it's understanding that, you know, if you have a good argument for ten based on, you know, wholistic analysis of the plan and the other criteria, you know, there may be ways that we can defend in Court the selection of a District with ten. So 11 is certainly something your VRA counsel has recommended that you try for. I think for today's purposes and for purposes of what you're voting on this week, just to skip ahead, I would, you know, frankly would encourage you if you have a plan you like and you can't get it to 11 districts without making substantial changes to it, you know, you should consider posting it for public comment. I mean, to make what it may be a very simple point, there is nothing illegal about publishing a plan for public comment. If you like the plan and you think it's something that should be considered, you know we would certainly favor and don't really see a down side to publishing that plan for notice and comment. It gives you an opportunity to receive feedback. It gives you an opportunity to, you know, to have more time to consider those competing hazards of liability between the Voting Rights Act and, you know, racial gerrymandering. So there may be defenses to ten districts. I think the advice that I heard Mr. Braden give is 11 is ideal. Less than 11 presents risk and the question we all have to weigh is you know, how much risk versus how much reward. And, you know, that is a difficult question that we have to analyze in terms of all the criteria that the Commission must follow. Although the VRA is of course, very important.

So I just want to move very basic, you know, just very basically here you know how to operationalize what I'm telling. Because I realize I'm speaking it in a certain level with generality. I have to. But I think just functionally the idea here is that if you've got a plan we will just hypothetical say with ten districts, you know, and then you are looking at a plan that has, you know, and maybe for example to get the 11th District would require, you know, you are nowhere near having a 11th performing District and you would have to completely reconfigure, you know, large portions of the plan to get there, and then you have a second plan where you are actually quite close to having a 11th District, you know, one option for you might be to prioritize working on the plan that's a lot closer to getting to the 11th District. That might be one way to go.

So I think, with that, I think I just want to open this up to questions. I'm sure you may have some. You know, and this is hard work that you are all doing. There are no clear and easy answers. I wish I had them for you. But this is all very important work you are weighing a lot of risks. So I'm happy to help you talk you through it as much as I can.

>> CHAIR ORTON: Okay, are there any questions for Mr. Lewis? I don't see any. But I'll just say again kind of what Commissioner Kellom was saying is we had the four maps that Mr. Braden saw that had 11 opportunity districts. And so I'm not sure if you know the whole makeup of those. But three of those were from a map that was presented by a group to us, Promote the Vote. And I believe that that group made a

statement on the record that they had used race when they were drawing it. So to us that makes it seem that those three maps then that are based on that are ineligible. Because we were not supposed to use race and we know that race was used in creating the maps. Do you agree with the assessment? Or what is your take?

>> Mr. Lewis: I think a plan that was over all configured in a race aware way, I think poses risk for racial gerrymandering. In particular if it's coming from a group where you don't know the provenance of the plan and don't know how much race was considered or not. The more that you use race, the more that, you know, the greater the risk that race is found to predominate. I mean, that's the risk. And that's why, you know, it's -- we gave the advice, everyone sort of gave the advice to you know configure the plans in a race blind manner. And then you come back on the back end which is where we are now and you assess whether those plans, you know, comply with the V RA, provide an equal electoral opportunity and then you look and if you see a plan that is short of the mark, you see if you can make, you know, race aware changes to specific districts in the plan in a narrowly tailored way to achieve that electoral opportunity. So I think that's the, you know, so again, I can't comment on Promote the Vote in particular. But, you know, that's the risk you run, right? I mean, if you can't speak -- if you can't speak-to-exactly why lines were drawn the way they were drawn, you know, you run the risk that Plaintiffs come in or some other party comes in and says race was predominately used to configure this plan, it was inappropriate. And your plan could be thrown out again. That's the risk. And if it's a plan that the Commission itself draws, then you're able to control that risk because you know if you used race, or not.

>> CHAIR ORTON: Right, okay, are there any other questions or comments?
Juanita?

>> COMMISSIONER CURRY: I think I have a comment. I'm trying to see how I can phrase it. In drawing the maps, Mr. Lewis, when they drew all -- when they drew the maps with Dearborn and certain areas that we know are predominately certain races, we drew those with that in mind. So why is -- see, I have a problem with why -- how you going to get around it? I don't even understand how you can win if you don't -- how you can leave out one race and still put in all the other races and still -- I know the Court said don't use race, but it seems like we are fighting a losing battle. That is my comment.

>> Mr. Lewis: It looks like Commissioner Szetela's hand is up. I know there was a question for me from Commissioner Curry. I'm sorry. But do you want me to move on?

>> CHAIR ORTON: Do you want to, okay, we will move on to Commissioner Szetela.

>> Mr. Lewis: I can comment briefly, the issue is there is the issue is when you look at, this goes back to Mr. Riley's presentation last week, you know, I think if you are looking at a community of interest and you are considering the community taken as a whole and you are not just looking at the color of the voters' skin in that District but you are looking at their community, taken as a whole, you know, that is one thing and that is

different than just -- that is frankly what we are encouraging you to do at this phase as well. It's the thing that you know, I remember from the trial and I remember from the Court's opinion, you know, one of the things that -- one of the districts that was criticized is one that connected Birmingham with Detroit, with the idea being you know, you are connecting people that had nothing in common with one another. In order to hit a racial vote. That was what the District Court you know, was critical of in that particular example. And so if we are looking at a community that shares cultural, historical, economic, and other things in common it makes sense for those people to go together, that is what we are focusing on.

>> COMMISSIONER CURRY: That's exactly what I'm focusing on. When I say the Black race, when I go anywhere in America, I look to see people -- you look to see your color. That's one thing you have in common. The fact that you speak the same language, you have another thing in common. The fact that you have been through the same struggle, that is another thing that is in common. The fact that it's so many things that we have in common that it's not just the color because we are many shades. It's the fact that we can relate to each other. I can relate to a Black person, and I may not even know them but the fact they are Black I know that they have something in common with me. And with our race. And it's not just the color of your skin. It's the fact that we have been kind of ostracized at one point in life. And the fact that we know how each other feel. You know, when we meet each other, we kind of can relate to the feelings we have all, the struggles we have all went through. So it's not so much as things that you can just touch. But it's things that we know spiritually and mentally and even sometimes physically. It's not so much of -- then we have jobs that are in common. We have so many things that are in common. We eat the same food. I don't think any other nationality like the kind of food we eat. And just about every Black person loves greens, macaroni and cheese and fried chicken and things in common, very lighthearted. But they are in common. These are the commonalities we know if we sit at the table with a Black then they are going to like certain things I like just like with any other nationality. So things we have in common. So you can't just say Black because we come in all shades. It's many of us. I don't just look at somebody by the color of their skin. I look at what their skin represents. And it represents the struggle of a Black African/American citizen. And how can you eliminate it? That's what all of us have. The Mexicans have struggles. The mid easterns when they came over here they had a struggle. Everybody has a struggle. That's our struggle. So to leave it out and say we are just looking at faces, I'm not looking at a face. I'm looking at shades of color, people that have come from the same upbringing or similar. They came from the same poverty level. They came from the same going and struggling through life to make it where we didn't have as many opportunities as other races. So we have all those things in common. And to just say shades of race, I'm not talking about Black. Just Black per se.

I'm talking about the struggles that the Black African/Americans have to go through, that's what we have in common.

>> Mr. Lewis: I completely understand you, Commissioner Curry. Where you're coming from. And I think, you know, part of when you're drawing districts at a District level it's also thinking about how those shared cultural bonds interact with other cultural, you know, bonds within specific neighborhoods and communities. Are you sharing jobs? Are you sharing schools? Are you sharing religious?

>> COMMISSIONER CURRY: But they are not sharing their religion with us. Everybody has their own religion. Everybody has their own language. Everybody has their own lingo. I mean, you can talk to another Caucasian person, and they have certain lingo you can relate to. As we can. We have certain lingos. We have certain languages. Certain historic things that we can relate to that you can't even touch. Dearborn I can't touch. No one else can touch. And that's what we look for. You probably can't see it, so you just look at Black. We don't just look at Black. We look at the cultural of Black. The struggles. The communication, the things that we have gone through. That's what makes us cohesive and keeps us together, that's what lets us touch and know the feelings of each other. It's not called race per se. But it's what you all have. That's what you have in common. That's what we have in common. That is what the people in Dearborn have in common. That is what the Mexicans have in common. That is what they all have in common. That is our commonality to single out and say we are looking at the faces, it's not about the faces but it's about the same thing you all have in common. We have it in different ways.

>> Mr. Lewis:

>> CHAIR ORTON: Commissioner Szetela? Do you want to add something?

>> COMMISSIONER SZETELA:

>> CHAIR ORTON: Commissioner Szetela, your hand is up.

>> COMMISSIONER SZETELA: I did not realize I was on mute. I was already talking. So one of the things I'm struggling with is part of the Court's concern and expressed in the opinion was that we effectively had a racial quota. And now we've done these maps and in a race neutral way and they have been analyzed. And for many of them, you know, the advice that has been given is we should have 11 opportunity districts so for the ones that don't meet that goal we have kind of been directed to bring up the districts that we want to advance that map to that 11 level. So I'm just struggling how is that not a racial quota by a different form and you need 11 now we have to change maps in a more race conscious way, obviously not predominant, isn't that just another racial quota?

>> Mr. Lewis: I think the distinction between, you know, talking about racial quotas and talking about, you know, a narrowly tailored intervention here with one District if that's what you choose to do. And, again, you know, we are not here to, you know, there are -- a plan that satisfies the Commission's requirements, that people like, that

has ten, you know, it may well be defensible in Court. But if you're going to 11, the question really comes down to, you know, that question of predominance and if we make small changes to one District in order to provide equal electoral opportunity and comply with the Voting Rights Act, that's different than the concern that the Court's essential point was, you know, at the outset what drove the configuration of the districts as a whole that were struck down was this goal of getting between 35 and 45% BVAP and that sort of consumed the process. What you've done this time is a different process from the start. You've drawn, you've not you know considered race upon the first, you know, the first pass of the plan, the configuration of the districts. What you are doing instead is coming on the back end, you know, Mr. Braden and his people have come in and they have identified, you know, a potential area of concern. Under the Voting Rights Act and then your question is can I alter what I have done to address that concern. That is a narrow, you know, whether you want to call it narrow tailoring or you call it a, you know, which is what you are doing. And you're also looking at from the perspective is that the predominant factor driving the configuration of the District over all? And I think if you are making a small change, that is not, you know, a predominant use of race. It is also being done to comply with the Voting Rights Act. And I think, again, it's a different process that you followed. And I think the process is what's going to drive the Court's consideration.

>> CHAIR ORTON: Commissioner Callaghan?

>> DONNA CALLAGHAN: I know when we were drawing these maps we had as one of our goals to make sure that from the partisan fairness analysis we did at least as well as, if not better, than the Hickory plan. I'm wondering if this same analysis voting rights analysis have been performed on the Hickory plan is that a useful reference point to make sure that we improved under the same analysis with any of these plans?

>> Mr. Lewis: Thank you for that question, Commissioner Callaghan. I think you can, if you want to have that VRA analysis performed on the struck down plan, I understand where you're coming from. I think the difference though is that the Court has found that that -- that the racial configuration of the Hickory plan in the Detroit area violates the 14th amendment to the Constitution. So it's from that perspective I think it's, you know, I'm not sure that you are -- having that value, there is nothing wrong with having your VRA folks run that analysis and come up with that number for you. But I think in terms of it being a comparison point rather, I'm not sure, you know, that is going to be as ideal for you. The point with regard to the partisan fairness analysis is that's a different criteria. And it's one that does not necessarily require a race conscious or race aware or excuse me race predominant draw to achieve. So it's much the same way you want to make sure your population is balanced, your districts are contiguous, all of those sort of factors. So the basic idea there that we are trying to achieve with the partisan fairness is to make as few changes to the state's nonracial criteria or policy choices that

existed in the Hickory plan. And that is where the partisan fairness number comes in.

Does that make sense?

>> DONNA CALLAGHAN: Yes.

>> Mr. Lewis: Great.

>> CHAIR ORTON: Commissioner Weiss?

>> COMMISSIONER WEISS: Yes, Commissioner Callaghan thank you for your question because that is what I was going to ask if it would be a possibility if we could run that. I'm curious, I'd like to see it. Because I think the case has confused me a little bit with the 7 districts that were contested, five of those have Black representation. So I guess I'm trying to understand a little more about it. So could we run that if there is not much of a cost issue here and time to do that? Thank you.

>> CHAIR ORTON: Okay, is there anything else? I have a question. So I'm not an expert on the Constitution. What I do know is that in the Michigan constitutional amendment that we are following, that created us, this Commission, VRA is listed as one of the top things. So we were following that when we originally drew our maps. And I, personally was unaware of this 14th amendment that we needed to only use race narrowly tailored. So obviously, we -- it was struck down because we were not following the 14th amendment. So my question is are there other things we should be aware of that pose risk? Or are we simply supposed to follow our 7 criteria and that's the way we do it?

>> Mr. Lewis: So I think from the perspective of this litigation, you're looking at balancing. And you know, look, again, this is an issue that has bedeviled people that redistrict all throughout the country. And it's trying to balance the 14th amendment, which limits the use of race in redistricting. With the Voting Rights Act that can require the use of race in redistricting. And you can just from hearing me say or speak that sentence you can see the tension. And so the question is, you know, how do you balance those concerns? And that's where the idea about, you know, you use the VRA as a targeted intervention where you identify a problem with equal electoral opportunity under a, you know, given plan. And that's been the way that some other states have done this in this past cycle. And it's the model that you're following here in the redraw. You are drawing race blind and coming in the back end.

As far as other issues that can come up, I mean, look, I think you are following, you know, the assignment from the three-Judge Federal panel is to cure the racial gerrymandering. That is what has been instructed to be done. And you have to do so while also complying with the Michigan criteria. I think the framework that you're following is a manner in which you can come up with a compliant plan.

You know, navigating these sort of tailoring choices at the back end to address the advice given to you by VRA counsel, you know, I think will be an issue that this Commission will have to work through. And, again, you know, just to offer just a few very quick points on that. You know, one is if you have a plan that's a ten and you

figure out a way to draw it to 11, opportunity districts without you know doing it in a narrowly targeted way, not moving a lot of people, being thoughtful about what communities you pair together, so that you're not making hugely different community of interest choices to achieve the objective, you know, one thought could be put both plans out. Put the original and put the modified plan out for public comment. You know, give, you know, allow yourself that degree of freedom as you take the next couple weeks after you vote to publish plans for comment to receive public feedback and have more time to consider before you take the final vote. There is no harm in it from our perspective.

But, you know, as far as there being some other constitutional amendment that is sort of lurking in the background that can jump up and interfere with your work, you know, I think you've got the basic perimeters. Your 7 criteria and navigating that tug of war between the equal protection clause of the Constitution and the Voting Rights Act.

>> CHAIR ORTON: Thank you. Is there anything else for Mr. Lewis? Okay, well thank you, Mr. Lewis.

>> Mr. Lewis: Thank you.

>> CHAIR ORTON: So next on the agenda then would be unfinished business 5B. That's the VRA data analysis from max palmer but I don't believe he is available until 11:15 is that right, Mr. Woods?

>> KIM BRACE: Yes, that is correct. He is teaching a class right now. This is Mr. Brace. He is teaching a class right now, but he is available at 11:00. I talked to him.

>> CHAIR ORTON: Okay, well, my suggestion would be to take a break until we can hear from him. I don't think that we can move forward with looking at changing any maps until we get that detailed analysis. Does anyone else have a different opinion? I don't see any. Mr. Woods, do you have something?

>> MR. EDWARD WOODS: For the interest of time we do need to kind of talk about our deliberations as relates to submitting the final map to the Court. Yesterday we talked about our public hearings. And you know, the meetings in Detroit. But we only went through the 22nd of February. And our maps are due March 1st. So the question becomes that last week in February that begins with Monday the 26th is, you know, after we hear the comments and we do our deliberations, knowing that the information is due March 1, I'd like to have a cushion so that we have it done by the 29th. How many meetings does the Commission feel we need that week to get that job done?

>> CHAIR ORTON: And so the public comment or the public hearings that we scheduled in Detroit are 21 and 22.

>> MR. EDWARD WOODS: That is correct. And so we usually take that Friday as a travel day. We could start meeting that Monday or Tuesday. But I would like for us to be done, you know, no later than actually preferably the 28th just in case something happens and there is a glitch. But if we are done the 28th, that Wednesday, I think that

would be great. Now I don't think it would take us longer than two days. So I would suggest you know meeting the 27th and the 28th, if that works for all the schedules that are involved with MD O S, our interpreters, our consultants but I think we should have I prefer we have it wrapped up on the 28th.

>> CHAIR ORTON: I agree. Is everyone okay with planning to meet the 27th and 28th, wrapping up the 28th?

>> ELAINE ANDRADE: I can't do the afternoon of the 27th. The morning would be okay.

>> CHAIR ORTON: Okay Commissioner Callaghan?

>> DONNA CALLAGHAN: On the 27th is also not good for me.

>> MR. EDWARD WOODS: How about if we meet the 26th and the 28th?

>> DONNA CALLAGHAN: The 26th is also not good for me.

>> MR. EDWARD WOODS: Okay, is the 27th, Commissioner Callaghan in the morning good for you?

>> DONNA CALLAGHAN: Sorry which day.

>> MR. EDWARD WOODS: 27 in the morning or is it all day?

>> DONNA CALLAGHAN: No, I can do half day.

>> MR. EDWARD WOODS: So you could do the morning.

>> DONNA CALLAGHAN: Sure.

>> MR. EDWARD WOODS: Commissioner Andrade you said you were available in the morning?

>> ELAINE ANDRADE: Yes.

>> MR. EDWARD WOODS: So why don't we look at the morning of the 27th and then doing the 28th, all day on the 28th. Morning, does that mean 12 or 1:00 would be your hard stop?

>> ELAINE ANDRADE: 12.

>> MR. EDWARD WOODS: Okay Commissioner Callaghan that works for you?

>> DONNA CALLAGHAN: Yes, that works.

>> MR. EDWARD WOODS: So why don't we look at 9:00-12 on that Tuesday. And then the 27th and then on Wednesday, the 28th, 9:00 to 1:00 and then 2:00 to 6:00. We are doing this live. So Ms. Reinhardt is that a challenge or would that be okay?

>> MS. SARAH REINHARDT: That should work great. Thanks.

>> MR. EDWARD WOODS: Okay, Commissioner Kellom, what date is the challenge for you, Commissioner Kellom?

>> COMMISSIONER KELLOM: Hi, I was putting it in the chat, but Thursday and Fridays will always present a challenge.

>> MR. EDWARD WOODS: Okay, if we do Tuesday 9:00 to 12 would that be all right?

>> COMMISSIONER KELLOM: I won't be available. I'm unavailable Tuesdays and Fridays the same time from like I'm driving now to Olivet in the car so then I will rejoin

you all after 1:50. So I only have those slots of time. Just so we are aware. It does not mean the meeting can't go on. But I can't get out of those self-obligations.

>> MR. EDWARD WOODS: Okay we are meeting at 9:00. What time does your class start?

>> COMMISSIONER KELLUM: 11 and it takes two hours to get there.

>> MR. EDWARD WOODS: No we will be meeting remotely. So why don't we meet on Tuesday, I'm sorry, I'm going backwards. If we meet on Tuesday, February 27th from 8:00 to 11, that will give us our three hours and then on Wednesday we would do 9 to 1:00 then 2:00 to 6:00. There is consensus, Madam Chair, then I will forward those dates over to the Michigan Department of State.

>> CHAIR ORTON: Okay, does anyone else have any issues with those dates and times? Seems to work, Mr. Woods.

>> MR. EDWARD WOODS: Thank you. I think you're right, Commissioner Orton in your assessment so if you want to take a 45-minute recess, Mr. Brace my understanding he will be here at 11:00 or is it 11:15 now?

>> KIM BRACE: His class ends at 11:00 and so give him a chance to get back to the office, 11:15 would be better.

>> MR. EDWARD WOODS: All right.

>> CHAIR ORTON: Okay then I think we will just call it a break and we will take a break for one hour until 11:15.

>> MR. EDWARD WOODS: Thank you.

[Recess until 11:15 a.m.]

>> COMMISSIONER VALLETTE: Hi, everybody.

>> CHAIR ORTON: Hello, so it is 11:15 and I see we have max palmer with us. So we can come back from break. And so our agenda item is unfinished business 5B, the VRA data analysis. With max palmer. If there is no objection I will turn it over to Mr. Palmer. Hearing no objection, go ahead, Mr. Palmer.

>> Mr. Palmer: Thank you, I'm going to share my screen to share some data and the spreadsheet that I believe will be distributed after this meeting. So what I'm going to show you is the data we generated to do the VRA analysis. And you saw the summary of these results yesterday, the key takeaways but there are a bunch of questions about how the data was calculated and you can look at the numbers themselves and not just the final results.

The spreadsheet that's going to be shared has several different tabs down at the bottom. There is a variables tab that defines all the columns or all the variables we are going to look at and a separate work sheet for each of the different plans. And as we evaluate new plans we can update the spreadsheet as well.

I'm going to briefly talk about the variables, but I think it will make more sense when I actually show you an example of one of the spreadsheets and I'm happy to answer any questions about how these are all defined.

We are going to see population data based on the 2020 census. And then VAP voting age population data as well. Then we will have columns for population and VAP percent lack of the District with the Black non-Hispanic definition and will be like you are looking at in other reports and data sources, this whole process.

I then have a few columns showing how the population is divided across counties. And this is useful because these reports are only going to show us the districts that are at least partially in Wayne County. The districts that we are most focused on and will show is it split across Wayne or in another county or all of Wayne County. Then we have several columns we will use election data. Democratic composite index you have been working with as well as the Biden 2020 vote share. Based, again, on recompiling elections up to the District level.

And then we have the results of some analyses that we did about primary turn out and trying to figure out the number of Black and white voters participating in democratic primaries.

This is a challenge because we don't have this data directly. We don't have data on which voters by race participated in which primary. So we have to estimate this using essentially the same methodology as Dr. Handley and I used for racially polarized voting at earlier stages of this process.

So what we are going to do is we are going to estimate the percentage of Black, white and other voting age population. Particular in the democratic primaries either 2018 and 2022 in the primaries and exclude the 2020 primary because there were not enough districts contested especially in one of the counties and we only had House elections to look at there.

So and that is going to give us an estimate in each county of what percentage of Black, white or other voters participated in the primary. And we will use that to then estimate what we think turn out could look like in these new districts based on how much of Black and white population in each fall into each county. So it's an estimate but it's the best we can do to get at participation in the primaries. And then I just added a column here that just says is Black turnout higher than white turnout higher in a primary for both 2018 and 2022. And that will be one of the measures we looked at that you saw in figures yesterday.

Any questions on that part before I move on?

>> CHAIR ORTON: I don't see any.

>> Mr. Palmer: We do another set of Column escalations thinking about current voters.

So we were provided a current voter file of currently registered voters. And we used the methodology there to estimate the race of these voters. That's based on people's names and the demographics of where they live. So it's an estimate but this is a widely used methodology. And that's going to tell us for each District what percent of the

registered voters in the District do we think are Black, white or belonging to another group.

And we are going to use that in combination with the composite index to do another estimate and try to figure out what percentage of the District of the voters in the District are Black voter supporting democrats, white voters supporting democrats, Black voters supporting republicans and white voters supporting republicans. This is an approximate calculation. There is another way of thinking about in a primary the pool of voters who could participate. That is of all the democrats that we think could participate does it seem like there is more Black voters supporting democrats than white voters supporting democrats.

Now, all of this is approximations and are all estimates but the best we can do given the lack of statewide primaries to do a more specific analysis anywhere here.

And so this last column, the democratic primary pool is the other part of the figure you saw yesterday is the estimated number of Black voters supporting democrats greater than the estimate number of white voters supporting democrats.

So now I'm going to turn to one of the plans and the spreadsheet for every plan are exactly the same. So let's take Spirit of Detroit as an example. But every sheet has the exact same layout.

I first list all the districts that are all or in part in Wayne County. And so that number of districts is going to vary from plan to plan. And I have them sorted here by the -- any part non-Black population but could sort by any of these columns instead.

So the first two blocks are just population data. These are going to match other reports that you will get, the kind of data that can be in the redistricting software when race is available to look at. Similarly the population and voting age population using any part non-Hispanic Black.

The next three columns show percentage of the population in each county. So for instance District 4 is entirely in Wayne County. District 5 is split with two thirds of the population in Wayne County and one-third in Oakland county. We then have general election data. So the democratic composite and Biden 2020 and I've left out a column here saying would this District perform in a general election because that is just looking at these columns and saying is this number greater than 50%. Or not.

And isn't really our focus for much of this analysis.

We then have a series of columns for the estimated turn out in primaries. Based on the statistical analysis we did to figure out turn out by race in each county and the populations by race in each county for the actual districts that were drawn.

And then we determine here was Black turnout greater than white turnout in both the 2018 and 2022 primaries. So far we haven't looked at any plans where the turnout were different in the two primaries. That is we have not seen any districts yet where Black turnout exceeded white turnout in 2018 but not in 2022 or vice versa. They

agreed so far in everything we looked at. If we start seeing plans where that's not true, we can add additional detail here reflecting that as well.

Any questions on what this data here in yellow block is?

>> CHAIR ORTON: I don't see any questions. I do have a question not necessarily about that. But so you said for all of these plans the analysis that you did is on all districts that touch Wayne County, that are at least partially within Wayne County, not necessarily it did not -- dependent factor is not how many districts we changed in that plan.

>> Mr. Palmer: That's correct. I'm not looking at change compared to the Hickory map or any other map.

>> CHAIR ORTON: Okay thank you.

>> Mr. Palmer: This green block then is our estimate of the demographics of current voters based on the current voter file. And then this blue block uses the combination of the composite data and the demographic of the current voters to approximate sort of estimate as best we can what percentage of the electorate are Black and white democrats and Black or white republicans. And then so we are saying does the percentage of the electorate supporting who are Black voters supporting democrats greater than percent or electorate supporting republicans and yes, no and would match the number in the primary pool. If you add up yeses here in H or Z for each plan you would get the numbers that we -- that you saw in the graphs yesterday for the democratic primary or democratic primary pool.

>> CHAIR ORTON: So are those the two columns that you said have agreed so far? With the.

>> Mr. Palmer: These usually agree. Not always. Depending on the plan there might be cases where the primary pool seems to be something higher than the primary turn out. What usually, are looking at the two different primaries we look at, that is we haven't yet seen a case where say Black turnout in 2018 primary was higher than white turnout in 2018 primary but not that the reverse was true in 2022. So I could do one column for primary turnout higher in 2018 and higher than 2022 but they would always agree so I condensed it down to one column.

>> CHAIR ORTON: I see, thank you. Any other questions? Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, so what 2018 primary are you looking at and what 2022 primary are you looking at or is it multiple primaries?

>> Mr. Palmer: That is a great question and looking at the most available data. One of the challenges here is that not every precinct or District in each of these counties may have had a primary. So we are taking every primary looking across Congress, House and Senate for every precinct looking at which primary did they have and using whichever of those elections had the highest primary turnout as our measure of turnout there. So they are usually pretty similar, usually total votes cast in one primary in a precinct is very similar to another primary happening at the exact same time in the

precinct. So we are looking across them. So if voters in a certain precinct just had a State Senate primary that would be informing it. A State House and State Senate and a Congressional District, that would all be included here as well but we are essentially looking at every precinct where voters had a primary and including them in analysis.

>> COMMISSIONER SZETELA: Why are we not also looking at Oakland County? Or is that a separate analysis?

>> Mr. Palmer: There is no districts that seem to be relevant to the VRA analysis that are entirely in Oakland County and not at least partially in Wayne County.

>> COMMISSIONER SZETELA: Okay.

>> Mr. Palmer: We could include those if necessary, but we haven't seen any maps yet, I believe where that was the case.

>> COMMISSIONER SZETELA: I was just curious about the Southfield area. And election results there, that's all. Thank you.

>> Mr. Palmer: Sure.

>> CHAIR ORTON: Any other questions? Okay do you have something else, Mr. Palmer?

>> Mr. Palmer: I would just add there is a lot of data here for a lot of different plans that is why we provided some summary figures yesterday. And that will be updating with the figures and the spreadsheet as new maps come in. I think that a lot of demographic data is here to if you want it as a reference. It's also going to be available in other places. The sections here towards the end, the estimated turn out, the estimated voters, that's what is unique to this analysis and these two columns here showing the final result might be the most useful places to start looking at before sort of trying to work through all this data. Because I know there is a lot of variables here. And a lot of maps to compare.

>> CHAIR ORTON: Okay, Commissioner Eid?

>> COMMISSIONER EID: So which column relates to the -- those numbers we saw yesterday whether it be ten or 11 or the on the number of districts?

>> Mr. Palmer: Number of districts performing in primary that is column Z is primary turn out greater or is -- are block voters a larger share of the primary elaborate than white voters and primary pool is the last column here in H.

>> CHAIR ORTON: Okay, anything else? Commissioner Eid again? Sorry go ahead, Commissioner Eid. You put your hand down, I wasn't sure.

>> COMMISSIONER EID: How might this data -- okay so it's based on the democratic primary pool is my understanding. What if the turn out in the democratic primary in these districts increases, how could that affect the data?

>> Mr. Palmer: That's a great question. So these are all estimates based on past performance. We would have to make some very specific assumptions about how turn out would change to think about how we should change these numbers under a future case. If we think that turn out would be higher among Black voters compared to white

voters in a certain primary, then we might be under stating, you know, whether they would perform in a primary or not. If we think it's reverse then it might go the other way. We don't have data to inform that prediction.

Similarly the other thing that we have, that we are limited on is how the other group votes. The other group here I condensed to reduce the number of columns in the spreadsheet but also because the cohesion of different minority ethnic groups varies across the county and across primaries as well. When Hispanic voters, Asian voters and other racial ethnic groups vote with Black voters that would increase the ability of Black voters to win or Black candidates of choice to win primaries in these districts. If they were to vote with white voters, that might make it more difficult. So we don't have strong evidence and data either way to make those predictions. Also again if we look at these last calculations here we are just looking at Black and white democrats who are making a very conservative assumptions that other voters vote similarly to white voters. If other voters are more democratic all of these numbers here in column 8E would be lower. And more districts would perform. Actually likely to be the case but we don't have -- we would have to make assumptions we are not making here and less conservative assumptions.

>> CHAIR ORTON: Commissioner Callaghan?

>> DONNA CALLAGHAN: I have a couple questions. First maybe you already explained it, but I missed it can you draw a line for me from this chart and the numbers in it to the dots that we saw that showed the percentage of votes, how do I match this number to a dot?

>> Mr. Palmer: Great question the dots are exactly this column and right here. So if we think about that plot we saw yesterday each line of it is one of the plans. So you can imagine the Spirit of Detroit line would just have one dot for each of these rows. There is a dot at 90.3. A dot at 82.8 and so forth.

>> DONNA CALLAGHAN: Okay and then my second question is there is an awful lot of estimates being done here. What is your interval of confidence on these numbers given how many estimates depending on an estimate?

>> Mr. Palmer: That is a great question and a big challenge here because we are working with very limited primary data. And if we had many statewide primaries to work with we would be able to make better estimates at least how the districts would have performed in the past.

I don't have an exact interval to give you on the estimates. That is one of the challenges here. We tried to make conservative assumptions, that is number that made things look maybe more competitive than they would be. We are not trying to overstate the share of the Black primary versus white primary or anything like that. We think they are conservative numbers and likely there may be some districts that would or could perform that we just don't have the data to say for sure right here.

>> DONNA CALLAGHAN: How many of the estimates are building on the previous. If it's wrong and estimate you just keep exponentially worse and worse.

>> Mr. Palmer: This set of estimates the 2018 primary are independent from this set of estimates. So we are looking at two different primaries and those we found have always agreed. Now not exactly. So for example, you know in this in District one we estimate that in 2018 the democratic primary was 54.5% Black and 49.8 in 2022, so numbers will vary across elections.

>> DONNA CALLAGHAN: The fact they agree from one primary to the other does not tell me they are correct. It tells me they are always wrong by the same amount.

>> Mr. Palmer: Not necessarily each of the estimates could have different margins of error in all. What it says to me is we are looking at two different primaries and coming to the same conclusion of each instead of relying on just one primary. Then the other calculation, which doesn't rely on this part at all, is this analysis here, the democratic primary pool which is instead based on the general election. And estimates of current voters. So it's different assumptions, it's a different methodology entirely leading to generally the same conclusions. I fully appreciate that we are relying on a lot of estimates here. And that is one of the big challenges of doing this analysis. In other places, other cases we might have better data to rely on. And this is the best that we are able to do right now.

>> DONNA CALLAGHAN: Thank you.

>> CHAIR ORTON: Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, so I just went back to my individual map just to look because I thought I had Southfield entirely within Oakland County and I do. And I would just ask if there is a way that we can analyze that District 18 on my map in particular against this kind of data because I think not being included is relevant because it gives an undercount on my map because that map should also be an opportunity District for African/American voters.

>> Mr. Palmer: Okay, I think we can probably update this to include Oakland County districts as well.

>> COMMISSIONER SZETELA: Thank you.

>> CHAIR ORTON: Commissioner Eid?

>> COMMISSIONER EID: Well if that is the case we should do that for all of them because I mean you have Spirit of Detroit districts 18 and 19 that are also fully within Oakland County.

>> Mr. Palmer: I will update it for every map.

>> CHAIR ORTON: Okay, anything else? Okay well thank you very much, Mr. Palmer. As you said this is a lot of data. I believe that it was just sent to us so we will be able to reference it. Commissioner Szetela, you have something else?

>> COMMISSIONER SZETELA: Yeah, so I notice that this only shows the maps that were kind of identified yesterday. Can we rerun that analysis for all the maps?

Because you know it kind of raises a concern in my mind that maybe the data we looked at yesterday wasn't entirely accurate in terms of the number of districts. Because some of those maps did have wholly Oakland County districts that didn't touch into Wayne County. If that was not being considered obviously that impacts the outcome of how many opportunity districts are in those maps. So I don't know if maybe you have it somewhere else or if it just wasn't done but I would actually ask we expand this out to the 15 that were originally considered so that we are sure we have accurate data that we are relying on before we are excluding maps.

>> Mr. Palmer: Yeah, I can update that as well.

>> CHAIR ORTON: Mr. Brace?

>> KIM BRACE: Yes, I just wanted to point out as you have that indeed this graph that Dr. Palmer has shown you has been sent to everyone there. I sent it to Edward and Edward is forwarding it to all the Commissioners. When the new chart comes in from max, I will make sure we get it to Edward, and he can send it to everyone else.

>> CHAIR ORTON: Okay thank you.

>> MR. EDWARD WOODS: I have a question.

>> CHAIR ORTON: Mr. Woods?

>> MR. EDWARD WOODS: Mr. Palmer how long do you think it will take you to rerun those maps and get it back to us?

>> Palmer: Not too long. Sometime today.

>> MR. EDWARD WOODS: Thank you, Dr. Palmer.

>> CHAIR ORTON: Okay, so considering this information Commissioner Szetela your hand is up. I don't know if it's still or again.

>> COMMISSIONER SZETELA: I'm sorry I forgot to take it down.

>> CHAIR ORTON: So unless there is something else for Mr. Palmer or from Mr. Palmer, we have the next item on our agenda is mapping. I don't know if we feel prepared to start working on mapping. Or if we or wait for further information from Dr. Palmer? I believe we also and around 2:00 Mr. Braden will be available to share the information that the VRA information that I believe Commissioners Callaghan and Weiss asked for on Hickory. So Commissioner Weiss?

>> COMMISSIONER WEISS: Quick question if we are going any mapping is the website up to date? I looked at it a little while ago, earlier before the meeting started and looks like the Daisy-2 map still has a flaw, I believe, in one of the districts being a little high which I thought we had changed yesterday. And I also looked at, let me see, what was that, I'm not sure which one now. But it also has two Districts that are not within the 2.5 or less. So I just wondered do we need to do that? Does that make a difference? Or are they not up to date or what? Thank you.

>> CHAIR ORTON: Mr. Brace?

>> KIM BRACE: Yes, Commissioner. Commissioner Weiss is correct. The website did not get updated with the new Daisy-2 that you had worked on yesterday afternoon.

We will update that, but we were trying to get all the data with Dr. Palmer and all of that set. So we will update with the new Daisy-2 in order to keep things straight, we probably want to identify it as Daisy-2 mod or something like that, modified. Because you did make changes on that side. Or whether or not you want to call it Daisy-3 I don't know. But right now what we received from Kent last night was Daisy-2 updated.

>> CHAIR ORTON: I believe the other map that we tweaked a little bit for population yesterday was water Lily if I remember correctly. Sarah Reinhardt?

>> MS. SARAH REINHARDT: Hi, yeah, so using the naming convention yesterday, I believe the maps were updated to say 12924 and then included the identifier. So that should make them distinct from the previous maps.

>> CHAIR ORTON: Thank you.

>> KIM BRACE: Sarah is correct. Sometimes people don't look at that front part of that identifier in the file name. And so that's why I was thinking in terms of mod or something or Daisy-3 or whatever.

>> CHAIR ORTON: Director Woods?

>> MR. EDWARD WOODS: There is two Daisy maps Mr. Brace on the website. One was created yesterday the 29th. And it's called Daisy-2FC at the end. So 012924 underscore V1 underscore HD, underscore COL underscore Daisy underscore 2FC. I know it's different than the other one that was uploaded on the 26th. So I'm not sure if that is correct or if that is a different one or not. And then I see the only one else that was updated yesterday was the individual map by Commissioner Szetela. So I see two updated maps from yesterday.

>> CHAIR ORTON: So I have a question. I don't know if this is complicating things, but it seems we have a lot of copies and a lot of iterations now of the different maps. But we at this point have kind of distilled into these six collaborative maps that we were looking at, the two that we made little population changes on yesterday and the others. And then Commissioner Szetela's map. Those are the ones we are currently considering. Is there a way to move those into a different tab or a different area to identify those as the ones for the public so that they will know those are the ones we are currently considering?

>> MR. EDWARD WOODS: After the Commission votes they will move from draft maps to draft proposed maps. And that should happen immediately after the vote.

>> CHAIR ORTON: Okay, Commissioner Weiss, your hand is still up?

>> COMMISSIONER WEISS: The other map was Tulip that I looked at that has a couple Districts that are not quite right, thank you.

>> CHAIR ORTON: Okay, so is that one that we fixed population on yesterday? Or is that still need to be fixed for population?

>> COMMISSIONER WEISS: According to what I looked at it looks like it needs to have some adjustment done to it. There is two districts. And I think they have wrote down here I think it was 7 and 12 were out of population.

>> KIM BRACE: Right so you made changes to that yesterday. Sorry I was in lawyers' conversations yesterday afternoon while you were conducting your meeting.

>> COMMISSIONER WEISS: I looked at it this morning and I was playing around, trying to figure which blocks I could move. It did not change any on, you know, on it myself. I just was doing some writing here, writing down which districts I thought we could take from to put into I believe it's from 11 into 12 and then from 6 in to 7 there was two possibilities because the surrounding districts were most of them were low of population also. Thank you.

>> KIM BRACE: Madam Chairman, my suggestion might be is that we have lost Kent this morning. And we pick up John this afternoon after 2:00. So my suggestion, if you're at 11:47 and usually take a break at 12 you might want to do that so we can then get things updated and can have a mapper for you at 2:00.

>> CHAIR ORTON: Okay, I want to ask Sarah Reinhardt in your notes do you have that we made any population changes in Tulip yesterday?

>> MS. SARAH REINHARDT: I do not but I can go back and review the record.

>> CHAIR ORTON: Okay.

I just felt like we did on another map, but I couldn't remember which one.

>> KIM BRACE: John is good at updating the website when he gets finished with a plan at the end of the day. He will upload that to the website so that's where you would see something with the newer date on it of 1-29. And that reflects what John has updated in terms of shape files. Of course those have not gone through all the other analysis and that sort of thing that max has done or anything like that.

>> MS. SARAH REINHARDT: I will note I note for the final checks which is what the FC stands for the Executive Director Woods with was referring to, that John does go through and check for any like dis-contiguities that are rather small and fixes those. So certainly possible that if there are any like population differences that that could be what occurred but I don't think he would make any changes substantial enough to warrant like a whole new map version without checking with the Commission first.

>> KIM BRACE: You are correct, Sarah. He has if need be and what he usually now does is check each plan, goes through the field check side of things before he uploads. So that that has been done on the more recent ones.

>> CHAIR ORTON: Okay, so unless somebody has something else, or wants to look at anything, I guess we don't have any more business until 2:00. Director Woods, is that accurate?

>> MR. EDWARD WOODS: That is correct. We will hear from Mr. Braden at 2:00 on the request from Commissioner Callaghan and Commissioner Weiss on the VRA analysis for the Hickory. And then after that Mr. Morgan will be here to assist with these outstanding issues with regards to the maps. If there is any adjustments to be made, the Commission can do that followed by deliberations.

>> CHAIR ORTON: Okay, Mr. Brace?

>> KIM BRACE: Yes, I would just ask Commissioner Szetela, has she done -- I know that he was drafting something that changed last night but I don't think she submitted it yet. Is that coming along? I sent her a correction this morning.

>> COMMISSIONER SZETELA: Yeah, Mr. Brace, yes. Using the data that we have, I'm going to change something more. But I can probably get that to you by 2:00 if that is okay.

>> KIM BRACE: Okay, I just wanted to know what is coming down the pike on that side.

>> COMMISSIONER SZETELA: Yep, that's it, thank you.

>> KIM BRACE: Thank you.

>> CHAIR ORTON: Mr. Fink?

>> Nate Fink: Thank you, Madam Chairwoman and good morning to everyone. I know you are going off for lunch now. I just wanted to make an overall comment which sort of follow on something I said yesterday which I understand you're going to go into considering making some modifications to some of the six maps that are still under consideration. And I just wanted to say in sort of echo what Mr. Lewis said a little bit earlier this morning, which is if you're going to be making some modifications you're not committing to pick any one of these maps at this point, right? Through this week you're deciding which maps to send on to the Court and for public comment. And if you decide to make some modifications to one of these maps to in response to or in reaction to the VRA guidance you were given, that seems perfectly reasonable to me, but you may ultimately want to decide to keep the original version of whatever plan that might be and send that on to public comment as well. And, again, as I said I know you eliminated some of the other maps that were under consideration already. If for some reason you want to look back at any of those I would not suggest that you have to necessarily, I mean you have not eliminated those as or from or entirely from your consideration. So you know you want to be able to have enough options at, you know, ultimately at the end of the day you want to have the public given an opportunity to comment and share their perspective. So if you send on a couple more maps, then even if the Commission has a whole or individually, not necessarily is in love with any particular one of these maps that are under consideration, I just want to make sure the Commission is left with you know enough options at the end of the day when it does ultimately come to select and adopt a map. And as Mr. Lewis said there is no constitutional violation by sending on a particular map for public comment and so I just wanted to sort of sum up some of the thoughts I shared yesterday. And sort of ditto some of what Mr. Lewis said this morning so thank you.

>> CHAIR ORTON: Thank you. Mr. Brace, you have something else?

>> KIM BRACE: Yes. I would raise a question for Mr. Fink as well as we can ask Mr. Braden when he comes on at 2:00 as we mentioned to everyone, we have the capability of showing across the bottom of the spreadsheet race data. That is what

Dr. Palmer utilized in his charts. You have now seen that. When we start drawing again, which spreadsheet do we show? The one with just total population or the ones with some race data also? For the Commission's consideration?

>> Nate Fink: I think that is a question that also can be posed to Mr. Braden perhaps when he comes on at 2:00. Assuming the Commission makes a decision to try to make or to make some narrowly tailored modifications to some of these maps while considering race, then I believe they would need to have that racial data available as they are doing that mapping to make those, you know, minor modifications in order to try to respond to and address the VRA analysis that was provided. And so I believe that if they are using that as a component that being the racial data as a component in order to find a narrowly tailored way to address that and comply with the V RA, then I believe that that would be appropriate. Again, I think we can have a follow-up discussion perhaps with Mr. Braden when he comes on at 2:00. But it would seem to me to be an appropriate way to address that issue.

>> CHAIR ORTON: Thank you. Okay, then if there is no objection we will recess for approximately two hours for lunch until 2:00. Hearing no objections, we stand in recess until 2:00.

[Recess until 2:00 p.m.]

>> CHAIR ORTON: I call the meeting of the Michigan Independent Redistricting Commission back to order at 2:00, will the secretary please take roll?

>> MS. SARAH REINHARDT: Absolutely Madam Chair. Commissioners please say present when I call your name and if your location has changed since the last time you disclosed it, please let us know where you are attending from. I'll call on Commissioners in alphabetical order starting with-Elaine Andrade?

>> ELAINE ANDRADE: Present.

>> MS. SARAH REINHARDT: Donna Callaghan? Donna if you are on can you unmute?

>> DONNA CALLAGHAN: Yes sorry present.

>> MS. SARAH REINHARDT: Thank you. Juanita Curry?

>> COMMISSIONER CURRY: Present.

>> MS. SARAH REINHARDT: Anthony Eid?

>> COMMISSIONER EID: Present.

>> MS. SARAH REINHARDT: Brittini Kellom?

>> COMMISSIONER KELLOM: Present commuting from Olivet, Michigan.

>> MS. SARAH REINHARDT: Rhonda Lange? Steve Lett?

>> COMMISSIONER LETT:

>> MS. SARAH REINHARDT: Steve, we couldn't hear you. Steve, it looks like you may be having technical difficulties, but I see you are unmuting yourself.

>> COMMISSIONER LETT: Present.

>> MS. SARAH REINHARDT: Perfect, there we go thank you. Marcus Muldoon?

>> MARCUS MULDOON: Present.

>> MS. SARAH REINHARDT: Cynthia Orton?

>> CHAIR ORTON: Present.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> COMMISSIONER SZETELA: Present.

>> MS. SARAH REINHARDT: Janice Vallette?

>> COMMISSIONER VALLETTE: Present.

>> MS. SARAH REINHARDT: Erin Wagner?

>> COMMISSIONER WAGNER: Present.

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: Present.

>> MS. SARAH REINHARDT: All right 12 Commissioners are present and there is a quorum.

>> CHAIR ORTON: Thank you very much. So we will continue with our unfinished business of VRA analysis, I believe. But I don't yet see Mr. Braden on. I think he was going to.

>> MR. EDWARD WOODS: He will be on shortly.

>> KIM BRACE: Yep.

>> CHAIR ORTON: I see Mr. Braden has joined us. We are waiting for your further presentation. So please proceed, Mr. Braden.

>> Mr. Braden:

>> CHAIR ORTON: You're muted.

>> Mr. Braden: I did not have a formal -- I thought I actually was responding getting on the phone call to respond to questions from the Commission. I don't have much, I probably have a lot to add but I don't really have anything to add to what I presented yesterday. But if there weren't questions then I wasn't clear. But is there an issue in which you want me to address? I'm absolutely happy to do that. And respond to any questions.

>> CHAIR ORTON: There may be questions, I'm not sure. But I think what we were expecting is for you to do a VRA analysis of the current Hickory plan that was requested by a couple Commissioners.

>> Mr. Braden: That is run but I have not gotten it done. So I have not seen it. Max, Dr. Palmer, has to run it. I have to admit that I couldn't actually make his computer work or do the analysis. So I have not heard from Dr. Palmer on that. I know he was speaking to you earlier today. But I'm trying to remember what his class. He had an early class schedule then he was going to meet with you and then he was going to do the analysis of the Hickory plan, but I have not seen that yet. Certainly, if the Commission wants it, and if it's useful to the Commission's deliberations you should absolutely have it. I will have to say it's likely, my view is that the Hickory plan, because the Court has declared portions of it unconstitutional that the numbers in it are generally

irrelevant to the -- it does not provide any type of benchmark which you can actually work. So how many districts that plan produces doesn't in any way affect essentially any sort of threshold number for compliance because it just isn't drafted in compliance with the Commission's and Michigan's requirements.

>> CHAIR ORTON: Okay.

>> Mr. Braden: No, I don't have it yet. I will try to reach Dr. Palmer and see if he has done it already. As soon as get it I can call back in, if you want to go forward with other parts I will reach out to Dr. Palmer right now and see if I can get it in my hands.

>> CHAIR ORTON: I think we have a question from Commissioner Szetela I'm not sure if it is for you.

>> COMMISSIONER SZETELA: I want you to know when we had the discussion with Mr. Palmer earlier today we learned that he had not run the analysis for Oakland County. It was only districts that crossed into Wayne County. And some of the maps do have Oakland County only districts that might be relevant here. So we did request he rerun that analysis for Oakland County for basically all the maps to basically let you know you may be seeing that from him.

>> Mr. Braden: I'm unfamiliar with that in the context but I will find out what he is working on and see where it is.

>> CHAIR ORTON: Thank you. Are there any other questions for Mr. Braden while we have him? I don't see any. Thank you.

>> Mr. Braden: My pleasure, take care.

>> CHAIR ORTON: Mr. Fink?

>> Nate Fink: Well, I was actually going to direct a question to Mr. Braden, but it looks like he dropped off. So I guess when he comes back to address the Hickory plan discussion, he can do that then, thanks.

>> CHAIR ORTON: Okay, well, next on our list on or agenda is mapping. So are we ready to start that? Or does anyone have something else they want to discuss in preparation for the mapping? I don't know if I feel like I have all the information needed to begin trying to change some of the districts. So I'm not sure where we want to begin. I do -- I will say I do like the idea that was suggested by our legal counsel of presenting to the public maps as they are and then as we change them, if we try to change districts to get more opportunity to elect districts this them. So that we can get comments on both types, that's just my opinion. Commissioner Kellom?

>> COMMISSIONER KELLOM: I'm sorry I caught the tail end because my signal went out. I wanted to know what was the question that was asked prior to Commissioner Szetela speaking. And what was Mr. Braden responding to?

>> CHAIR ORTON:

>> COMMISSIONER KELLOM: When I came in he was talking and what was the question asked or stated and what was the comment and what was his response.

>> CHAIR ORTON: Maybe Mr. Fink has it for us.

>> Nate Fink: Well actually I was not jumping in to address that, but I can try to address it. Commissioner Kellom, the question was I think it was just posed to Mr. Braden was whether he had the -- the understanding was he was going to be addressing the Hickory, the analysis of the Hickory through the same VRA analysis and that had not yet been completed by Dr. Palmer. So I think once that's completed they are going to -- they can come back and present that information. So I think that was it. Other than that, Commissioner Kellom?

>> COMMISSIONER KELLOM: Thank you, Mr. Fink. I did have a comment.

>> CHAIR ORTON: Go ahead.

>> COMMISSIONER KELLOM: In response to what you were stating Commissioner Orton, but did not want to over talk what Mr. Fink's plan was going to say.

>> CHAIR ORTON: You can go ahead.

>> COMMISSIONER KELLOM: I guess this is me brainstorming out loud. If I'm being honest, I'm still relatively concerned about the VRA number, discussion, I don't know what to call it yet in my head. I think there were some maps that were organically done and did very well on the analysis as well as capture communities of interest. And I'm worried we might find ourselves in an early similar situation if we start changing maps to accommodate, you know, one factor that has been newly presented. That's my feeling this morning and still my feeling now asking it in an effort to get it right like the District last time we started changing things because of analysis. I think, for example, using it as an example, I think Spirit of Detroit did a lot of the discussion that has been had regarding communities of interest regarding the conversation about, you know, BVAP, all of those things. And I'm not so sure that I have enough information to be aiming at the 11 and that is what I meant in my discussion earlier that it seems arbitrary. Okay I think that is the end of my brainstorm.

>> CHAIR ORTON: Mr. Fink?

>> Nate Fink: Thank you. The reason I had raised my hand here is to suggest that first I would like to address Commissioner Kellom's concern. Which I think was discussed this morning and kind of recommended by or at least discussed by Mr. Lewis, it would seem appropriate for the Commission to maybe take a shot at modifying some of the districts or perhaps all the districts that the VRA consultants indicated may face some kind of VRA challenge. And, in doing that, you wouldn't be necessarily abandoning the current maps. So for example if you are talking about the Spirit of Detroit map that you have looked at, you could take a shot at making some revisions to that map to perhaps make the map possibly stronger withstanding a VRA challenge. But you could also then still put forward the Spirit of Detroit map as it stands for public comment. Again, I've said this a couple times now by sending on the map for public comment or any of the maps for public comment you're not binding yourselves to those maps right now. You're just offering them to the public to receive comment and then you can decide ultimately which of these maps you want to adopt. And so you can offer

that up and hear public feedback on perhaps a revised version. And more practical guidance, which I think Mr. Braden can speak to this as well, but would be through your mapping process over the last couple of weeks you have worked with your mapping consultants, EDS, with Mr. Morgan and Mr. Stigall, Mr. Brace, on particularly focused on population deviation. Spend a lot of time on that to balance out population and sometimes you deferred to them to give you some recommendations through this process and how you might balance out a District here or there to make from a population perspective.

I think that if you are trying to address some of these opportunity District issues, the VRA issues, that you have with some of these districts or may have with some of these districts that it could be and would be appropriate for you to ask the map drawers whether it be Mr. Morgan or the drawers I mean those who are assisting you with the drawing process, Mr. Morgan or Mr. Stigall, whoever is at the keyboard at the time, to see if they could make some recommendations for you or present some options for you on these different maps as you go through the process. Because they are very experienced in this, in drawing maps. And they may be able to see something in the map that you may not be able to see or at least may not be able to figure out as quickly as they might. And they can make the recommendation. To be clear, they are not the map, they are not the mappers. You are making the ultimate decisions where the lines are drawn of course, that is left to the Commission. But they can make recommendations to you and you can decide yes that recommendation works, that recommendation doesn't work because we are keeping this community of interest together or logical to move this community with that community or you know, you can -- you have to balance out the different concerns you may have about maybe having to split a particular community or not split that particular community. But ultimately I think, an efficient process for you may be that you ask these consultants that you have to see if they can make some recommendations how you might tweak is the term we have used, tweak, whether it's the Spirit of Detroit map or one of the other maps you have under consideration see what they are able to do with it as you go through the mapping process or like what they have done or think it's good enough to send it on for public comment. So that is just sort of some practical guidance I was hoping to provide to you and convey to you as you go through this next couple of days to determine ultimately which maps you want to send on for public comment. Thank you. I think Mr. Brace has his hand up.

>> CHAIR ORTON: I saw Commissioner Callaghan first; do you still have something Commissioner Callaghan? Okay.

>> DONNA CALLAGHAN: No.

>> CHAIR ORTON: Okay, go ahead, Mr. Brace.

>> KIM BRACE: Okay, thank you there. I know I talked to Mr. Fink last night about this idea. I have not yet discussed it with my other two colleagues, which I can. It is

potentially giving you some valuable advice and we will be happy to do that. One of the things we did do over the lunch break was create a map that I think Mr. Eid, Commissioner Eid was looking to do. And I'm going to share my screen with this. This is a look at all of the plans that you have talked about.

>> CHAIR ORTON: Your screen is not sharing right now.

>> KIM BRACE: All right. It was a minute ago. Let's see.

>> CHAIR ORTON: We can see it now.

>> KIM BRACE: This is a table we put together and I believe Commissioner Eid had asked for this yesterday of looking at each of the plans and which districts have changed. And so we have looked at it from the standpoint of the original 7 that the Court had said needed to be changed. We looked at additional touching districts that may need to be changed. As we noted Daisy-2 does not touch 4, 9 or 13. But then we looked at additional districts that have been changed in the plan. And I wanted to share this with everyone so one could see how many additional districts may get extended or get changed in different plans. As you can tell, it's a cascading type of a table on that side. But I wanted to get this information to you. And I will be happy to share this spreadsheet and send it to Edward so he can get it to you, to all the Commissioners. But it does kind of give us an idea of how much change is possible or not possible on that side. And it is certainly something I think Mr. Fink was interested in too and making sure that we are not and Mr. Braden is interested in making sure we are not going beyond too far. So I wanted to create this for you and get you this information. And I'm happy to answer questions.

>> CHAIR ORTON: Thank you. Are there any questions? I don't see any. Commissioner Szetela?

>> COMMISSIONER SZETELA: This is a raw measure was there a change and does not look at how significant the change was, is that right?

>> KIM BRACE: That's correct. We have not done a more complete analysis to tell you what percent of the old plan may have been changed in the new plan. That's something that could be done. It was not just doable within the hour-and-a-half that we had today before lunch break or during lunch break.

>> COMMISSIONER SZETELA: All right, thank you.

>> CHAIR ORTON: I don't see any other questions.

>> KIM BRACE: I will send this table on to Edward so he can distribute it to all of you.

>> CHAIR ORTON: Thank you. Okay, so that leaves us back where we were.

Does -- what next steps does anyone feel that we are ready to take? Or any discussion on how to do things? Commissioner Wagner?

>> COMMISSIONER WAGNER: I kind of feel the same way I think you do, Cynthia, we don't have enough information given all the unknowns we are still waiting for on VRA analysis to make deliberations at this point so at this point I don't know exactly what we can do. Thank you.

>> CHAIR ORTON: Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, I was just going to echo the same. If everybody is feeling uncomfortable and feeling like they don't have adequate information, you know, maybe the solution is to just pause for today and come back a different day and, you know, maybe tomorrow come you know process what information we have and then come back tomorrow with a plan to possibly work on changes if that is something people want to do. Or you know at least at that point we can deliberate. I feel we had a lot thrown at us in the last 24 hours. I think we kind of need some time and are still waiting for some things too so.

>> CHAIR ORTON: Okay, Commissioner Callaghan?

>> DONNA CALLAGHAN: Wondering how the rest of the Commission feels based on the spreadsheet of information we have been given us whether it's complete or not, additional information that we get on other districts and other counties is going to follow the same format. Do people feel comfortable with the way this information is presented to know how to attempt to change a map? Do I understand what the process would be? Like if we took a sample map and the analysis in the spreadsheet right now, how -- what is the process? What is the process we are trying to make it more VRA compliant. Can we walk through that so people can get a better understanding of how to apply the spreadsheet and the grass we have been given to the actual maps we have to change.

>> CHAIR ORTON: Okay, that is a good idea. Commissioner Szetela, do you have something?

>> COMMISSIONER SZETELA: So I do have some ideas on how to fix things. But I'm not -- I'm in my car so I'm not really in a situation where I can help. But I do definitely have some ideas based on the data that was shared earlier today and the additional data as to how particularly with the spirit is of Detroit how that map could potentially be adjusted.

>> DONNA CALLAGHAN: So do you think, Commissioner Szetela, this is a conversation we could have as someone on the screen side here was assisting? I mean do you have thoughts on how to explain what your approach would be?

>> COMMISSIONER SZETELA: Honestly, no. Just because we have like, yeah, I am in the car and I'm driving. So.

>> DONNA CALLAGHAN: Okay perhaps one of the mappers like Mr. Brace could describe in a way of approaching this, just pick a map, any map I don't care which one and look at it and say here are ways to apply the spreadsheet to know when and where to make changes in the map. That would help me.

>> CHAIR ORTON: Okay.

Can I just share my first thought of how to do it?

>> DONNA CALLAGHAN: Please.

>> CHAIR ORTON: Would be to look at the spreadsheet and see the districts in a given map, the districts that are close to, say, 50%, under 50% or, you know, I guess

that was a good enough percent and see what Districts are around it and what those percents are. And see the least impact precincts we could move or something. But it all seems kind of fraught with, I don't know, it just seems fraught with.

>> DONNA CALLAGHAN: I tried to do what can you described at lunchtime just on my own. I think it's going to be a lot more difficult than it sounds on the surface to actually move these maps around.

>> CHAIR ORTON: Without breaking up what we tried to do.

>> DONNA CALLAGHAN: Right. So if maybe Mr. Brace or anyone else who has approach that they think is repeatable for one thing because we got to do it several times before we try to do it, what's the best way to approach this problem on a step by step basis? And what should we do?

>> CHAIR ORTON: I'm sure Mr. Morgan and Mr. Brace have a lot of experience with that. But first we will take these other two hands. Commissioner Kellom?

>> COMMISSIONER KELLOM: Sorry, if I sound like a broken record. I think what makes me uncomfortable is now there is this urgency to change something because we've had -- sorry, I muted myself because we had analysis and I think what it's going to take, the things I've said before I think we are getting to attach this number that was presented without understanding respectfully we are the ones that collaboratively drew the maps. And though our counsel and Braden and Lewis and I'm for getting the other I feel like I forgot his name, pardon me?

>> CHAIR ORTON: Palmer.

>> COMMISSIONER KELLOM: Palmer, that's it, it is a P. The changes to the Detroit area are going to be more of a feel and qualitative. And if we start just shifting based on metrics, my gut feeling is that we are going to be ripping through communities of interest. And there are other qualifications and criterion that we are supposed to have. I don't know when I said earlier more information is going to shift me and that is fine. Like this is not me being attached to the Spirit of Detroit map. We can have however many versions. But in my mind it's like are we doing this for the Court to say we did it or are we actually doing this for the public? I'm just interested in giving the citizens the best option and not one that feels forced because now we have to get to 11, 11, 11 and that is what I was trying to say before. That number 11 only came about, it's not though Mr. Braden said more wholistically or more objectively this is the number, it's a composite score you want to look at. He did that based on four maps that never should have been in the pile. So now here we are because if they weren't there then we would be looking at the number ten. So that's what I mean about arbitrary or irrelevant. I don't feel out of all the conversations I heard today there has been enough, what do I want to say, perspective to really clear that point up. We are still comparing it; the maps we know we can't even use. So that is the part to me. I keep hearing answers about we will use this map and use another map but that does not resolve now the function in the

Commission to redo the maps for this VRA analysis which behind it is where this is going.

>> CHAIR ORTON: Thank you. Commissioner Eid?

>> COMMISSIONER EID: Yeah, I agree with pretty much everything a few people have said now. Especially with what Commissioner Kellom had just verbalized. It is a little fraught. And I think where I'm struggling is we kind of already did this. You know, I mean, last time we went, and we maximized opportunity districts. And the Court has not given us anywhere to go with if we complied with the V RA or not. So I think what we are all feeling is we don't want to fall into a trap. So you know, I think we have got a lot of information here today. Let's take some time to synthesize that information. Maybe come back tomorrow with a fresh head and maybe more direct recommendations from our staff. And go from there.

>> CHAIR ORTON: Okay, thank you. Commissioner Andrade?

>> ELAINE ANDRADE: I just wanted to repeat. I totally agree with Commissioner Kellom. I mean, she explained that, you know, it's not just -- it's all the criteria that we have to meet. And I think we pretty exhaustively last week were trying to, with that Spirit of Detroit, speak to the communities of interest. And, again, we can move that forward without even touching it, just put that as side. That one is going to present to the public next week. Because we can send as many as we want. And that being said, the second thing I was wondering is we had -- we went over the six maps yesterday. And there was a couple of them that I think we were a little like nobody liked them. Is that fair to say? Like the Daisy-2, we didn't like that from way back when, right? Because it artificially constricted us. And, in fact, there was two or three districts in that map that did not substantively change at all from the Hickory map. And I'm wondering how that will look? The Tulip map I didn't think we liked very well. And if we didn't like them that much, is there any point in going ahead and trying to tweak them? Again, the Bergamot is Bergamot one and two can we reduce these to fewer maps to look at, which might make going ahead tomorrow easier?

>> CHAIR ORTON: Mr. Fink.

>> Nate Fink: Their Chairwoman and Commissioners for all of your comments on this. Directly responding to actually Commissioner Andrade's comment there, totally understand the sentiment there. I think that you were listening -- if anybody was listening yesterday can understand the Commission clearly I think is at least many Commissioners are getting to the point they are getting a sense of which of these maps they like and perhaps some of the maps they don't like. Broadly speaking, and I've already kind of spoken to this, kind of a couple of times now, you're not constrained right now to just pick a couple of maps. You can send on more than just a couple of maps to the public even if they are maps that, you know, the Commission has a whole doesn't really like that much at this stage. It may be worth sending some of those maps on, hearing what the public thinks about it, whether it was a map not modified as much or a

map that was modified but you have concerns about, communities of interest or some other issues that might be there. You can send those on and hear what the public has to say even if you got, you know, in the back of your mind a sense that you like certain maps more than others. And you can make an effort to try to address some of the potential VRA issues over the next couple of days. And present to the public maps that perhaps have been modified, if that is what the Commission wants to do. And hear what the public has to say about those maps. And then make your ultimate decision. I would caution against narrowing the field too much at this stage so that you make sure you have enough options that are out there. You may not know what certain comments may be from the public and the feedback you will get from the public on some of these issues. And I totally hear and understand the concern expressed from Commissioners about the fact that in the last round you had, you know, issues related to looking at this racial data, but you know Mr. Lewis discussed this morning, I think, you're postured differently now than you were then. You had this mapping process until this point you had not looked at any of the racial data and used any of that racial data in drawing the maps. But as Mr. Lewis said, in order to address potential VRA issues, you can try to look at that with some of these maps. And again if you send forward a modified version that used that racial data just from this point forward to try to respond and address the VRA concerns you can send that on and still send on the map that you have, the original version of whether it's Spirit of Detroit or Bergamot one or Bergamot two or Daisy-2 or Tulip or any of these different options or even some of those you already cut potentially. You can still send those on as is. You know, certainly the collaborative maps we all know there was no racial data used to draw those maps because we were all here, watching them be drawn in public. And so we know that. And so those can be sent on. And then the verdicts with the racial data used going forward to address the VRA issue can also then be sent on. You can hear from the public. You can still consider and frankly engage with legal counsel before you make and your consultants to make your ultimate decision, which you're not required to make until about a month from now. So I just wanted to try to share that sentiment. And I understand the concern about making sure you have as much information as you can. And it's possible that perhaps Mr. Brace or Mr. Morgan can speak to what they might be -- what guidance or suggestions consultation they might be able to provide to you that might make the process a little bit smoother. When I say the process, I mean the process in potentially making some modifications over the next couple of days and they can show you what that maybe not literally show you but explain to you what that might look like and ultimately the decision falls to you. So if a recommended change breaks up a community of interest that you think is important to keep together, you don't have to make that change. But you can at least explore what the options are. So, with that, I will stop talking for now. Thanks.

>> CHAIR ORTON: Thank you. Commissioner Andrade, is that good? Okay, so since we have time this afternoon, Mr. Brace or Mr. Morgan, would you like to explain to us what potentially, trying to make some of these changes would look like?

>> MR. MORGAN: Okay, so I have one question because I was not able to attend the morning session. In Dr. Palmer's presentation, did he specifically give you any racial information about specific districts or are we still talking about general districts?

>> KIM BRACE: He had in his tables the race for the individual districts based upon his calculations. So that racial information is out there, at least from the standpoint of what the Commission has seen so far.

>> MR. MORGAN: So that gives us some information that was presented this morning. Okay.

>> KIM BRACE: Right. So from the standpoint of drawing with race, while we have that capability of turning that on, we have not done that yet.

>> MR. MORGAN: Okay, so with that knowledge about Dr. Palmer's presentation, that helps me a little bit because here is my thought. Right now the VRA analysis from the Commission's point of view is a bit of a Black box. And it's designed to be. You complete a plan. You turn it over to the analysis and they give you some result. But you don't know exactly what's going on inside of that Black box. The Black box is something you know we talk about in the scientific method or computer programming. So one possibility to consider would be to take the knowledge you currently have, open up one of the plans, make an assumption and say I think that District 115 might have more Black population and I might want to move it to District 130, for example. And you could say I'm going to try that. And then you do that, and you follow all the other guidelines like you normally would and then you test that in the Black box, and you send that forward for a VRA analysis and let it come back and see what happens. And then the flip side of that would be to take a completely different assumption, different District and test that. So you essentially one possibility would be to, again, take a single map and take maybe one or two approaches to that and then submit it to the Black box while you're still in this phase where you're not actively using racial data to draw. So that's one suggestion.

>> CHAIR ORTON: Okay, Commissioner Callaghan?

>> DONNA CALLAGHAN: Well, that approach we are minds me a little bit of my old, old time batch programming days when you submit a program, you wait several hours and look at the answer and if it's wrong you make a change and submit a program and wait several hours and it's extremely time consuming. Right? I just don't know how we would get that done if we sit here and fiddle around for two, three hours in a meeting and adjust some things and then we go away for two or three hours and somebody runs some analysis and comes back and look at it, oops it did not do it, put it back to where it was and do this corner instead it sounds difficult.

>> KIM BRACE: You are correct, Commissioner. This is Mr. Brace. It reminds me of my old days of programming. But we had to wait for overnight for the computers to run before we could find out we had spelled something wrong and it did not runny way.

>> DONNA CALLAGHAN: Been there, done that.

>> KIM BRACE: We do have advantages that we can get faster results now, thank Heavens with computers and map drawing. So we do have some of those advantages. I had asked Mr. Fink earlier in terms of can we start drawing with the race data on there? He has given okay, it seemed like, but we wanted to ask Mr. Braden his further thoughts on that. So before we turn on those race data, that's what we wanted to get confirmations from on that regard.

>> CHAIR ORTON: Okay Mr. Morgan?

>> MR. MORGAN: Yes, just in response to Commissioner Callaghan and Mr. Brace and I say test a single or two assumptions. Not to do multiple, multiple changes but you know take something that you think and test it and I just think in this stage that is an option that is available without actively drawing with the racial data, if you choose that.

>> CHAIR ORTON:

>> DONNA CALLAGHAN: I did not mean to disrespect your approach. You just reminded me of long hours in the computer lab.

>> KIM BRACE: Yes, that is true.

>> CHAIR ORTON: So I believe that we have heard from both from litigation counsel and VRA counsel that we can use the race data to narrowly tailor any districts that we need to look at. Am I wrong? Do we need to wait for them to reaffirm that? Or does anyone disagree with that? Mr. Fink? You're muted.

>> Nate Fink: I apologize and missed a little part of what you said there. I just wanted to make sure in response a little bit to Mr. Brace's question. I confirmed with Mr. Braden that it's okay for you to turn race data on. I don't want to be equivocate on it. If you go through and try to narrowly tailor adjustments to the maps to comply with the V RA analysis that you have received, you can go ahead and do that and take a shot at doing that. So I just wanted to be clear about that. I think that's what you may have just said, Commissioner Orton. But I just wanted to confirm that.

>> CHAIR ORTON: That is my understanding.

>> KIM BRACE: And I would remind everyone though, we have to be a little bit careful in not looking just at the percent African/American in a District or that sort of thing. We really do need to look at the effectiveness of the districts and whether or not they could have effectively performed, which is the additional piece that Dr. Palmer provides to us. So it's a combination and we don't want to get caught in the trap of oh, we are just going to use race again to draw. We don't want the Court to slap us down.

>> CHAIR ORTON: How do we move forward and make any changes without Mr. Palmer actually analyzing as we do it or how is it going to work?

>> KIM BRACE: I think what the Court was telling us is that we had previously a magic number. We don't want to have a magic number. Because that's what the Court did not like. So it's a question of testing for effectiveness on a plan and whether or not it could produce at, you know, 40 percent or produce at 65%. It's not looking for a magic number to bounce things above or below. But it's really looking at the effectiveness of the District. So it's partly drawing and then submitting to Mr. Palmer and starting to get a feel for some of what his numbers are telling us as a way of a path forward.

There is, by looking at the data and looking at the mapping that's been done and the various alternatives that we have, we could start seeing some ideas of looking at which districts in which plan are effective. And look to see if those districts and where they are located, are they next to some District that is not effective? But it's close? And so that could be a clue that maybe we could make some changes along that border to see if we could make that other District that's not effective now maybe we could make it effective by making those kind of changes.

>> CHAIR ORTON: Commissioner Callaghan?

>> DONNA CALLAGHAN: So I think I raise this concern a little bit yesterday. But I would reiterate it again today. We are looking at estimated numbers and primaries where turnout varies from one election to another based on candidates and a lot of other criteria. And, again, we are looking at estimates. And only of these estimates are very close and being very close makes it on the good side or not on the good side. And we are going to like trim around the edges of these little districts and change very, very small amounts of these estimates and we don't even know how right they are or how good the estimates are. I asked yesterday for a confidence rule of confidence on these numbers and that is an actual -- that is a thing that they should be able to provide, and we don't have that. Are they confident the numbers are good? Are they confident they are good within a certain range? How much weight do I put on an estimate that's 93.4? Is it really 93.4 or could it be 91? Right? I mean do we know? We don't have any information on that. So I just feel uncomfortable tweaking to hit numbers that are -- working with an estimate is a guess. So I just don't know if that is appropriate.

>> KIM BRACE: No, I understand your frustration. And many times I could do that frustration too. What you really want to look at is look where the range of districts fall. So if something is saying 93% versus another one that is 70%, clearly the 93% is more probably reliable because it's more firm. But what you're looking for is not necessarily a percent African/American. But you're looking for the overall effectiveness of the plan. Yes, there is the issue in terms of data and having lots of different elections. That's why when we are drawing and we are putting together the massive database which is what we did for the exercise two and a half years ago with the full Commission, we had lots of data. The problem that we have in Michigan is there's not a lot of primary data. That was where we had the problem last time and we still have the problem. But it's something that we are trying to come up with some ideas to at least be a little bit more

predictive or comfortable in terms of the data. I've seen and I've worked with max on what he has been doing and I think it's reliable to the degree that we have the data to support it. If we are only looking at a single primary and talking about all of Wayne County, then that's probably questionable.

>> DONNA CALLAGHAN: If we are looking at a plan that scored a ten and we are trying to get it to a 11, then we are looking at changing one District just enough to move it to the other column. And, again, we are doing that based on guesses. So.

>> KIM BRACE: But that is where in trying to get Dr. Palmer, I mean the original table that he had done yesterday, that I saw, didn't have all the details that he -- because I went back to him and said that's not going to satisfy the Commission. We need to get some more specifics in terms of the plans and the calculations. And so he was able to produce that table that he showed to you today, which was far better than what he had showed to me yesterday at Noon time. So hopefully we are getting more information to you so it's a little bit more, have something to feel and to look at. I would certainly -- that's why I sent it to Edward, and he sent it to everybody. And the spreadsheet that I just showed on my screen for you, that went to Edward. And it's shipped to all of you. Starting to take a look at some of that kind of data is the way to start looking at what is possible.

>> CHAIR ORTON: Okay, so I think I have thoughts. But I won't necessarily express them. What do we want to do from here? I think for myself, I still feel like we don't have a lot of data. Or we are missing some data. I feel like there is a lot of ambiguity. We need to keep it vague and ambiguous it seems. Because we can't have targets and things. And yet we have to constructively do something. So it's a bit frustrating. But I feel like one place that I would feel comfortable starting is saying the maps that we have right now, that we have decided are collaborative, we know where they came from, plus Commissioner Szetela's map as an individual map, we can keep all of those like we can say, yes, we are sending these to the public for comment. Even though some of them don't reach the 11, but we will send them out there and then if there are maps that are close that we want to try to get to 11, we could send that version as well. Or whatever versions we decide to tweak and come up with. Is that -- does anyone disagree with that? Or are there comments on that? I don't know. If it were me alone that would be a place to start. But there is 13 of us. So what do you think?

>> COMMISSIONER LETT: Sounds like a plan.

>> CHAIR ORTON: Okay so we at least have something that we think is going forward. So if we are going to try to look at changing any, improving any maps, does anyone feel comfortable doing that today? With what we know right now? Not seeing any positive response, Commissioner Kellom?

>> COMMISSIONER CURRY: I don't.

>> CHAIR ORTON: Commissioner Kellom?

>> COMMISSIONER KELLOM: Sorry, I was trying to unmute myself. I'm glad Commissioner Curry spoke up. I was not going to help the cause. I was going to pick on my friends AKA my fellow Commissioners. I know it will be uncomfortable to get silent rather than have our chairs dangle out there. And I talked a lot today. So I think it would be helpful if we could go in and brainstorm together rather than be quiet because we don't want to say the wrong thing or be liable. Because of our history, I think this is a time where it's more than collaborative map drawing that we are actually collaborative in our decision making. And it's okay to be wrong. Because there is going to be 12 other people that can weigh in. That's just my push and empowerment piece about speaking up. Okay.

>> CHAIR ORTON: Thank you. Commissioner Lett?

>> COMMISSIONER LETT: Well, I think instead of wandering about in the wilderness, which is what we have been doing all week, we should have some input from our experts as to what would be a direction to go in so that we don't go back down the same path of setting goals or just moving things to move them. We need to have some rationale to do that. Other than race. And if we don't do that, we will be right back where we started. So I would like to as people have said all afternoon, have some more information in order to be able to make some type of informed decision. Once you get the more information, then you can look at the various maps such as we did yesterday and say, okay, if this is the information we need, do we need to change this map? Maybe we don't need to change this map. So that is just my opinion. So thank you.

>> CHAIR ORTON: Thank you. Commissioner Eid?

>> COMMISSIONER EID: Well, it seems like we are stuck in decisions right now with, you know, nobody really wanting to do anything. So I want to take a break. I want to get a fresh look at this. Look at the data and get more data tomorrow. So I'm just going to make a motion to adjourn and see what everyone thinks of that.

>> COMMISSIONER LETT: Second.

>> CHAIR ORTON: Okay we have a motion and a second to adjourn. So for discussion on that, Mr. Fink, do you have something?

>> Nate Fink: I'm not addressing the motion to adjourn. Just wanted to make a broad recommendation. And I know everybody is aware of the timing we have here. The Commission I think has done just a wonderful job of working very efficiently over the past couple weeks to produce some, you know, some very good quality maps that are going to be ultimately sent on to the public. And we are I don't want to say the finish line but to the, you know, to the lap line here on this very important milestone to get this to the point where these can be sent on to the Court. And so you still have a couple of days, right? We've got I think they are ultimately due Friday and the Commission voted to have sort of have a final determination by the Commission by this Thursday as to the total universe of maps that are going to be sent on to the public. So I think, you know, it would make sense at this point it seems like it's the consensus of the Commission to

take a pause here and then but I would encourage you to start back up tomorrow morning and, you know, you will get some additional feedback from the consultants and maybe some guidance and then if at that point the Commission has -- so desires that you then take a shot at working on some of these maps on the VRA issues. So that's all I wanted to say. Thank you.

>> CHAIR ORTON: Thank you. Commissioner Callaghan?

>> DONNA CALLAGHAN: So I'm going to be the contrary person today. I do think we should at least try today instead of just adjourning and going home. We have limited time. We need to understand what steps we are going to take even if we have incomplete data we can consider it not a change but dry run for understanding how we would make changes when we have all the data. If nothing else I would say let's pull up one of the maps and let him make one of his recommended little adjustments that we do blindly and then go run back and reanalyze it and say how might that work. We can go ahead and get a test run out of the way. Knowing it's a test run and will have done it once instead is of waiting tomorrow with all the data. We can educate ourselves in the process rather than giving up and going home. That is just my opinion.

>> CHAIR ORTON: Thank you, Commissioner Lett?

>> COMMISSIONER LETT: Commissioner Callaghan, I guess my conundrum is what are we going to change? What is it that we are looking to do? We've done these maps. We've looked at COIs. We've looked at population. We've looked at contiguity. We've looked at all of the 7 factors, six, seven factors we need to look at. What do we got to change? Where are we going to go?

>> DONNA CALLAGHAN: I agree with you. Here we are talking about we will quit and go home today and make all the changes tomorrow. But what are we going to change tomorrow that's not going to be different? Tomorrow we would have still to look at all the communities and the populations and all the things you just listed up and will do it tomorrow just as today, but we are saying let's not change anything today and wait until tomorrow. I know we are getting additional information on Oakland County tomorrow. And I know that impacts some of the plans a lot more than the others. Some of the plans that did not make extensive Oakland County changes may not depend on that data at all. I'm not sure what other data we are waiting on. Maybe I'm not aware of something important missing to do the work. It's not clear to me that any of the maps that we have created can be tweaked to be in compliant with VRA to get to the magical 11 number wherever that came from without messing up the map. I don't know getting Oakland County data tomorrow is going to make that easier. It would be nice to know today if this whole idea we will get this extra Oakland County data and know what to do with these maps. Maybe there is nothing to do with the maps. Maybe we are done. So I don't know. Dry run might tell us oh, yeah, it's going to be really, really hard to do without tearing the maps apart which is what I think we are going to find out.

>> CHAIR ORTON: Thank you or Mr. Brace?

>> KIM BRACE: Yes. I guess my suggestion, if we could create some color coded maps for you that shows the area and which districts are effective and by how much they are effective so that we could see in any particular plan where are the areas that might be tweakable, to use mark Braden's phrase, to see what -- where changes could take place.

>> CHAIR ORTON: Okay Mr. Morgan?

>> MR. MORGAN: Just to amplify on what Kim said. In this case, those the 11 districts you're looking at, while the information that you're getting back has some racial component to it, it's not a target number. So, for example, if you were to make some adjustments and then as Commissioner Callaghan suggested just do a test run and send it forward, you know, you would not be using a racial target number. You would just be making adjustments and then seeing if those adjustments get you where you want to go. So Mr. Brace's point was that if you made those coded maps it will just give you some idea which districts are close to where they might need to go. So that, again, is a useful thing. And if you were to use that information, it's still not -- while it is potentially derivative of race or has a racial component to it, it's not a target number specifically.

>> CHAIR ORTON: Okay, so I have a question. When would those maps that you were discussing, the color-coded maps, when could we have access to those? And, also, I guess for Mr. Woods, we were kind of waiting on perhaps information from Mr. Braden and also from Mr. Palmer, or whenever. Do we know if they would be able to address this in the morning? Or like we are kind of waiting for this extra information but when will this extra information be available to us?

>> MR. EDWARD WOODS: I'm working on getting a meeting scheduled. I hear the frustration of the Commission so we can have a meaningful meeting tomorrow so I'm trying to get that scheduled for this afternoon. But my expectation is they will be ready to go at 9:00. We don't have that much time. Everyone is aware of the deadline. You know, Mr. Fink has communicated quite clearly what our needs are so that needs to happen. So I will be talking to them directly after we are finished meeting to make sure the Commission has what it needs.

>> CHAIR ORTON: Okay.

>> KIM BRACE: And certainly from our side, I would be prepared to say that we would have those maps drawn tonight and created so that we can present them tomorrow morning.

>> CHAIR ORTON: Okay, Sarah Reinhardt?

>> MS. SARAH REINHARDT: Commissioners, just been listening to the conversation, and wanted to throw out just an option that you might consider. I understand the Commission is waiting on updated VRA data and information from Mr. Palmer, that is updated with additional Oakland County information, I believe, is

what you are waiting on to the spreadsheet which has been publicly posted by the way for members of the public interested in looking at the data as it currently exists.

As you have close to three hours remaining in this public notice, one option that you might consider is using the data that you currently have to make adjustments to some of your maps using the remaining three hours. And then when the new data comes in tomorrow morning, if it's substantially different, then, you know, any adjustments that you've made this afternoon, you know, you could take them or leave them. But if it's relatively the same, then you might have made adjustments during that time and not burned that time, if that makes sense. One thing that also occurs to me is I understand that there is some perhaps confusion and frustration not understanding how you're going to incorporate these changes. And I wonder if perhaps it would help to remind Commissioners of drawing with the racial data on. It sounds like you have gotten permission from your legal counsel to do exactly that. And I know we have three new Commissioners who have never seen the mapping software with that capability turned on. So it might become a little bit more clear if you take a look at what that looks like, so that's just a possible recommendation to help you get going this afternoon. Thank you.

>> CHAIR ORTON: Okay, thank you. Is there any further discussion on the motion to adjourn? I see none but Sarah Reinhardt your hand is still up.

>> MS. SARAH REINHARDT: Sorry, I'm trying to lower it.

>> CHAIR ORTON: Okay so we have a motion to adjourn. We have all this other information to consider. So all in favor of adjourning now raise your hand and say aye.

>> Aye.

>> COMMISSIONER KELLOM: Aye.

>> CHAIR ORTON: I think we might need to do a roll call because I can't see everyone's hand perhaps.

>> MS. SARAH REINHARDT: Certainly Commissioners. The motion before the Commission is to adjourn, so a yes vote would be to adjourn, a no vote would be to not adjourn. I will call on Commissioners in alphabetical order starting with Marcus Muldoon?

>> MARCUS MULDOON: Aye.

>> MS. SARAH REINHARDT: Cynthia Orton?

>> CHAIR ORTON: Nay.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> COMMISSIONER SZETELA:

>> MS. SARAH REINHARDT: Looks like Rebecca may not be connected to audio. Rebecca, can you hear us?

>> COMMISSIONER SZETELA: I can hear you now.

>> MS. SARAH REINHARDT: Okay wonderful would you like me to restate the motion, Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, I did not realize we were moving for something. Go ahead.

>> MS. SARAH REINHARDT: We are taking a roll call vote and it's your turn so the motion is to adjourn. So a yes vote would be to adjourn, a no vote would be not to adjourn.

>> COMMISSIONER SZETELA: Yes, that's fine.

>> MS. SARAH REINHARDT: Janice Vallette?

>> COMMISSIONER VALLETTE: Yes.

>> MS. SARAH REINHARDT: Erin Wagner?

>> COMMISSIONER WAGNER:

>> MS. SARAH REINHARDT: I think she might have had to step away actually.

Richard Weiss?

>> COMMISSIONER WEISS: Yes.

>> MS. SARAH REINHARDT: Elaine Andrade?

>> ELAINE ANDRADE: Nay.

>> MS. SARAH REINHARDT: Donna Callaghan?

>> DONNA CALLAGHAN: No.

>> MS. SARAH REINHARDT: Juanita Curry?

>> COMMISSIONER CURRY: Yes.

>> MS. SARAH REINHARDT: Anthony Eid?

>> COMMISSIONER EID: Yes.

>> MS. SARAH REINHARDT: Brittini Kellom?

>> COMMISSIONER KELLOM: I deeply respect Commissioner Callaghan's sentiments and understand we should work. However, again with all the conversation my vote is, no. I'm sorry, yes, yes, to adjourn, sorry.

>> MS. SARAH REINHARDT: Okay no problem. I will double check to see if Commissioner Lange is on. I don't believe she is. Okay.

Steve Lett?

>> COMMISSIONER LETT: Yes.

>> MS. SARAH REINHARDT: All right by a vote of eight yes to three no, the motion carries.

>> CHAIR ORTON: Okay, then we are adjourned at 3:10:00 p.m. We will see you at 9:00 a.m. tomorrow.