



First Notice Under Subsection 6(3)(e) of Article 4 of the Michigan Constitution to Declare Vacant the Seat of Commissioner Anthony Eid

Authored by: Commissioner Rebecca Szetela

Co-Sponsor: Commissioner Rhonda Lange

This First Notice Under Subsection 6(3)(e) is presented under Article 4 of Michigan’s 1963 Constitution. In 2018, Michigan voters approved Proposal 2 and created the Michigan Independent Citizens Redistricting Commission (“MICRC”). The avowed, and often proudly proclaimed, purpose for the MICRC was so that individuals – *not politicians* – draw Michigan’s redistricting maps for the Michigan House, Michigan Senate, and US Congressional districts.

Unfortunately, there is evidence that one commissioner on this commission, Anthony Eid, has abused his position to draw districts to benefit at least two of his friends who were candidates running for office¹. When a member of the MICRC prioritizes personal relationships with friends who are politicians or candidates for office in making map-drawing decisions, it results in political power being taken from the people and placed into the hands of a select few – who can manipulate the maps to their benefit. These types of back-room dealings were the very type of transactions that Michigan voters had sought to prevent by implementing Proposal 2.

For the reasons set forth herein, pursuant to Article 4, Sec. 6(3)(e) of the Michigan Constitution, the MICRC should declare Commissioner Anthony Eid’s position as a Commissioner vacant due to Mr. Eid’s substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office.

¹ In addition to the districts discussed in this Notice, there have been multiple public comments stating that Mr. Eid drew districts for other Democratic candidates. However, this Notice focuses on two districts only. Commissioner Szetela encourages members of the public who may have evidence or information about such other districts to contact her at: szetelar@michigan.gov.

I. Mr. Eid’s Drafting of State House District 20 To Favor House Candidate Noah Arbit

In June of 2021, Noah Arbit appeared at an MICRC public meeting. Mr. Arbit² presented a map illustrating the divisions in the Orchard Lake/West Bloomfield area under prior redistricting maps. Both Commissioner Eid and Mr. Arbit live in the Orchard Lake/West Bloomfield area and Mr. Eid has described himself as a “friend” of Mr. Arbit. Mr. Eid spent a significant amount of time speaking with Mr. Arbit during a break in the Commission’s meeting. On July 18, 2021, Mr. Arbit submitted a comment with an attached proposed State House district map³ via the MICRC’s public comment portal. On August 27, 2021, Mr. Arbit announced that he was running for the yet-to-be-drawn State House district encompassing his hometown, West Bloomfield.⁴

On September 15, 2021, Mr. Arbit was interviewed by the Jewish Insider. In the article, Mr. Arbit emphasized that redistricting was the primary factor that would result in his victory. Specifically, Mr. Arbit was quoted as saying, ***“redistricting is really the end-all-be-all for my path to victory.”***⁵

Shortly after Mr. Arbit’s announcement and press interviews, Mr. Eid became intently focused on redrawing the House and Senate districts that included West Bloomfield and Orchard Lake. Mr. Eid began advocating for changes to the already-drawn House and Senate districts that contained West Bloomfield and Orchard Lake – the very areas identified by Mr. Arbit in his draft map. During a MICRC meeting on September 22, 2021, while other commissioners were mapping, Mr. Eid interjected that the next commissioner to have a turn at mapping should redraw the draft districts as follows:

COMMISSIONER EID: The next person, that is I think Commissioner Witjes, do Orchard Lake with West Bloomfield and Sylvan Lake and Keego with just the eastern most

² Mr. Arbit, a self-described “avowed Democrat,” has a history of working on partisan political campaigns for candidates and was ineligible to serve on the commission. <https://www.pbs.org/newshour/show/in-michigan-an-effort-to-take-politics-out-of-redistricting>. “After graduating from Wayne State University..., Rep. Arbit joined several political campaigns, worked for the Michigan House, and served on Gov. Whitmer’s team, advocating for pragmatic, common-sense policies to help build a stronger, more resilient Michigan.”

<https://housedems.com/noah-arbit/about/>

³ <https://www.michigan-mapping.org/submission/f1523>; See map at: <https://davesredistricting.org/join/547a28a7-0c58-41d4-a9a8-8347122163b1>

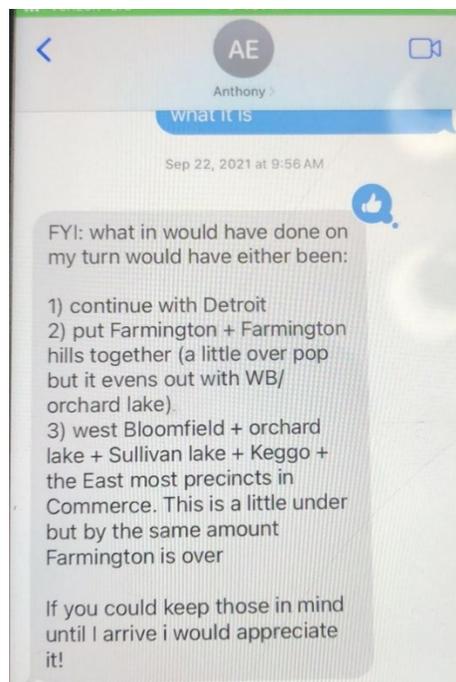
⁴ <https://noahformi.com/pr082621-noah-arbit-announces-campaign/>

⁵ <https://jewishinsider.com/2021/09/noah-arbit-wants-to-bring-jewish-values-to-the-michigan-statehouse/>

*districts of Commerce, you can end up about the same number below so it would even out.*⁶

Mr. Eid's directions precisely copy the map submitted by Mr. Arbit. Despite Mr. Eid clearly, in hindsight, using the Arbit map as a reference, Mr. Eid did not inform his fellow Commissioners that Mr. Arbit was the source of the map. It was the MICRC's practice to identify sources of data used in the map-drawing process for the purposes of the public record. However, if Mr. Eid had properly informed his fellow Commissioners of the source of the map, it would have immediately triggered additional scrutiny into the proposed district.

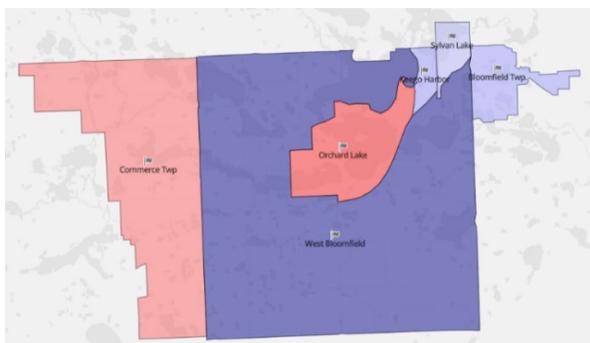
On or about September 22, 2021, Mr. Eid also began privately contacting commissioners and consultants of the MICRC **outside** of public meetings, suggesting individuals revise the boundaries of draft House and Senate districts to create a district that combines the eastern-most precincts in Commerce (which he had already drawn) with West Bloomfield, Orchard Lake, Sylvan Lake, and Keego Harbor. Again, these instructions directly copied Mr. Arbit's map. By way of example and not exclusion, Mr. Eid texted the following to Commissioner Szetela on September 22, 2021:



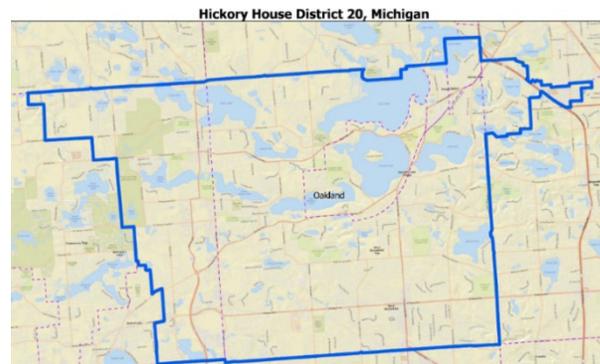
⁶ September 22, 2021 Transcript, p. 107. https://www.michigan.gov/micrc/-/media/Project/Websites/MiCRC/Transcripts1/MICRC_Meeting_Transcript_9_22_21.pdf?rev=eb42935347754231a3334edce9d20217&hash=10A64661371F92C7E40F0AC56C0C3BEC

On September 25, 2021, Mr. Arbit was interviewed by PBS News in an article discussing the MICRC. In the article, Mr. Arbit acknowledged that he had spoken to the MICRC and was confident that the MICRC would be drawing his district to be more Democratically leaning. The article stated that Mr. Arbit “recently announced that he was running for the Michigan state House of Representatives next year in a yet-to-be finalized district, **believing it will likely be more Democratically leaning than it is now.**”⁷ Considering the ongoing revisions the MICRC was making on a daily basis, Mr. Arbit’s level of confidence in the future composition of this district suggests that he had access to inside information.

In addition to his text messages, on October 29, 2021, Mr. Eid again pushed for the MICRC to re-structure the Orchard Lake-area district to include Keego Harbor, Sylvan Lake, and portions of West Bloomfield together.⁸ Mr. Eid’s comments were in opposition to public comments received on this topic.⁹ The insertion of these changes into the MICRC’s draft and final House maps resulted in a final district 20 that would **exactly** duplicate the proposed map submitted by Mr. Arbit in July. Thus, as of November 5, 2021, the MICRC’s Magnolia and Hickory House maps included districts perfectly duplicating Mr. Arbit’s proposed House map. On December 28, 2021, the Hickory Map was adopted by the Commission. Images of the district map proposed by Mr. Arbit and the district map as drawn by Mr. Eid follow:



House District Map Submitted by Mr. Arbit



Hickory House District Drawn by Mr. Eid

⁷ <https://www.pbs.org/newshour/show/in-michigan-an-effort-to-take-politics-out-of-redistricting>.

⁸ https://www.michigan.gov/micrc/-/media/Project/Websites/MiCRC/Transcripts1/MICRC_Meeting_Transcript_10_29_2021.pdf?rev=938d1acb1f0e4908916f9343e936f8e7&hash=70498638E0C4CAC241825628DDE35A42

⁹ See public comments at <https://michigan.mydistricting.com/legdistricting/comments/plan/256/23> and <https://www.michigan-mapping.org/submission/w8053>

On January 13, 2022, Mr. Eid boasted of the drawing of House District 20 as one of the “Top 5 favorite Districts I had a hand in drawing.” Thus, Mr. Eid’s “hand in drawing” District 20 is indisputable.



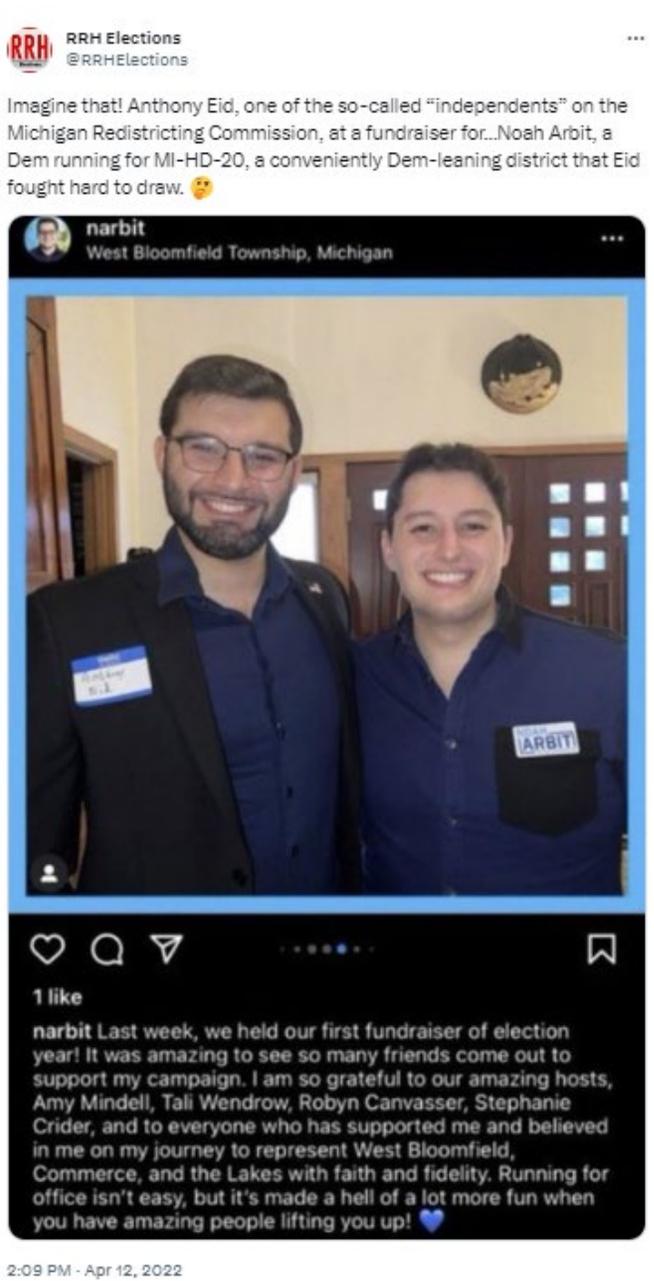
In a remarkable display of chutzpah, in April of 2022, Mr. Eid attended and was photographed¹⁰ at Mr. Arbit’s first fundraiser.¹¹ On April 12, 2022, Mr. Arbit posted the attached social media post, with Mr. Eid and Mr. Arbit pictured with gleaming smiles, with the caption:

*“Last week, we held our **first fundraiser** of election year! **It was amazing to see so many friends come out to support my campaign.** I am so grateful...to everyone who has supported me and believed in me on my journey to represent West Bloomfield,*

¹⁰ In an apparent attempt to downplay this event, at the MICRC’s September 2023 public meeting, at minute 34:29, Mr. Eid stated that, “[b]efore the last election, I attended Town Halls to listen to both the Republican and Democrat that were running in my district speak...I also didn’t donate any money or do any fundraising...” https://www.youtube.com/watch?v=eY3_8ZID_MM. This statement appears calculated to respond to statements being made in the YouTube Chat (which Mr. Eid follows religiously during MICRC meetings), where a listener named “Lakeland” remarked, “Eid drew a district for a state rep candidate, boasted about his drawing of the district, and then attended a fundraiser for that state rep candidate,” and “eid did draw the district for the guy he campaigned for,” and “eid drew noah arbit’s district and then campaigned for him while bragging about drawing his district.” https://www.youtube.com/watch?v=eY3_8ZID_MM. As noted by commentators in the Youtube Chat, there is a difference between attending an event specially designated as a “fundraiser” vs. a “town hall.”

¹¹ Fundraisers are not free. There is typically a charge for entry and such payments are required under Michigan Election Law to be recorded as campaign contributions. Despite that, the Arbit campaign did not disclose any contributions by Mr. Eid associated with his attendance at this fundraiser. If Mr. Eid was granted free entry into the fundraiser, the entry would have been treated as a gratuity under Article IV, Section 11 of the Michigan Constitution.

Commerce, and the Lakes with faith and fidelity. Running for office isn't easy, but it's made a hell of a lot more fun when you have amazing people lifting you up!"



The irrefutable implication of Mr. Arbit’s message, particularly when combined with Mr. Eid being photographed arm-in-arm with Mr. Arbit, is that Mr. Eid had “lifted up” Mr. Arbit’s campaign by drawing a district to fit Mr. Arbit’s specifications.

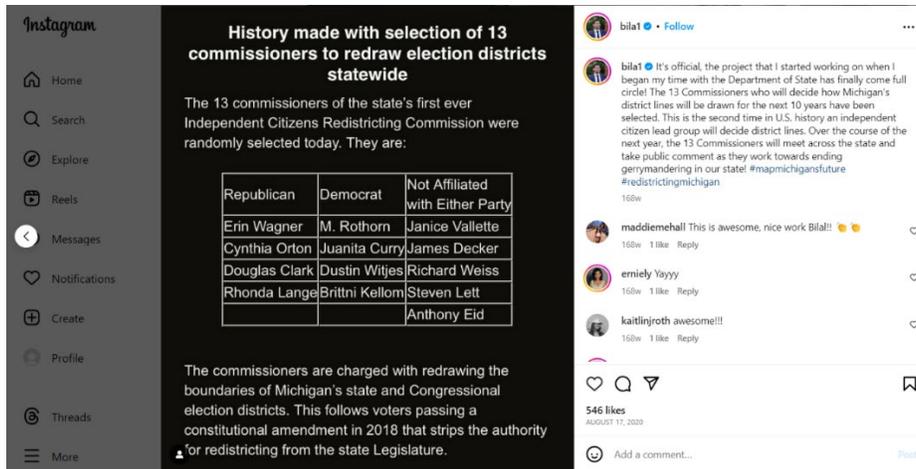
The evidence shows that Mr. Eid either intentionally, with neglect, or with gross negligence drafted, and directed others to draft, House District 20 to specifically benefit his friend and political candidate Noah Arbit, in violation of his Constitutional obligations.

II. Mr. Eid’s Drafting of House District 15 To Favor House Candidate Bilal Hammoud

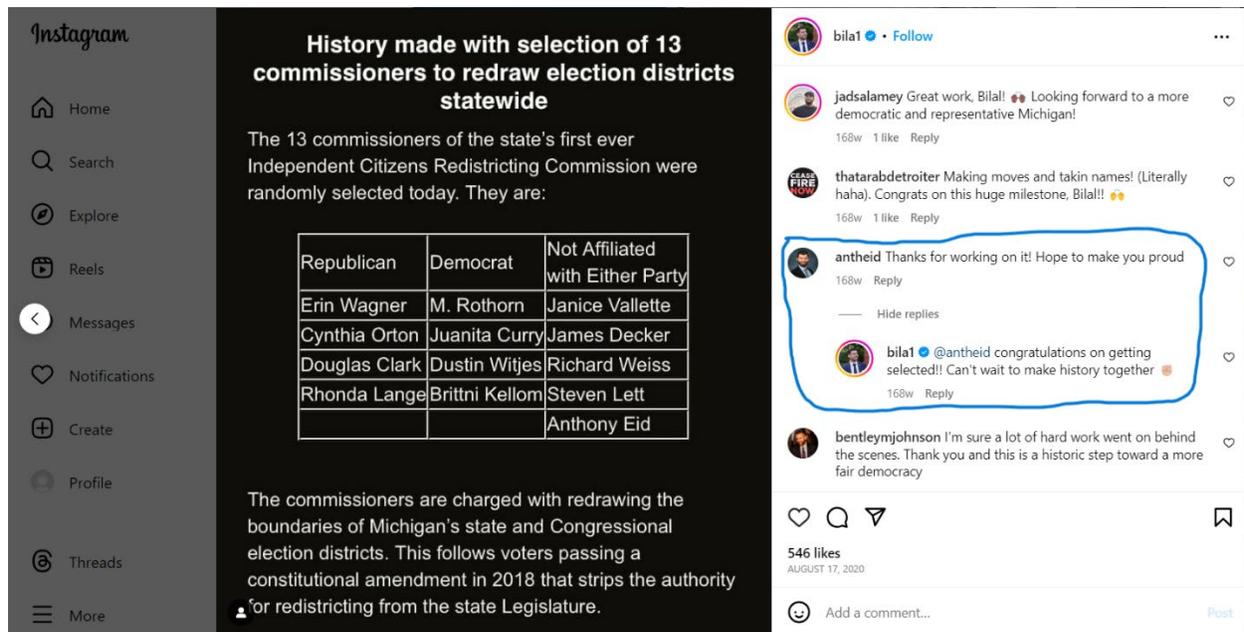
Like Mr. Arbit, Bilal Hammoud is an acquaintance of Mr. Eid’s and was candidate for office who interacted with the MICRC during its drafting process. Mr. Eid and Mr. Hammoud were both students in the Psychology department at Wayne State University and were both members of the Student Senate. As with Mr. Arbit, Mr. Eid described Mr. Hammoud as his “friend” in discussions with MICRC commissioners, staff, and consultants. Mr. Eid was also witnessed speaking to Mr. Hammoud at length at MICRC events. In what can be charitably described as a curious twist of fate, Mr. Hammoud also happened to work on the implementation of Proposal 2 as an employee of the Michigan Department of State, as is evident from the banner picture on his LinkedIn page (displaying him at a Department of State event discussing the MICRC).



On his Instagram page, in late summer of 2020, Mr. Hammoud posted a picture of the names of 13 individuals selected to serve as commissioners with the inaugural MICRC, with the caption, “It’s official, the project that I started working on when I began my time with the Department of State has finally come full circle.”



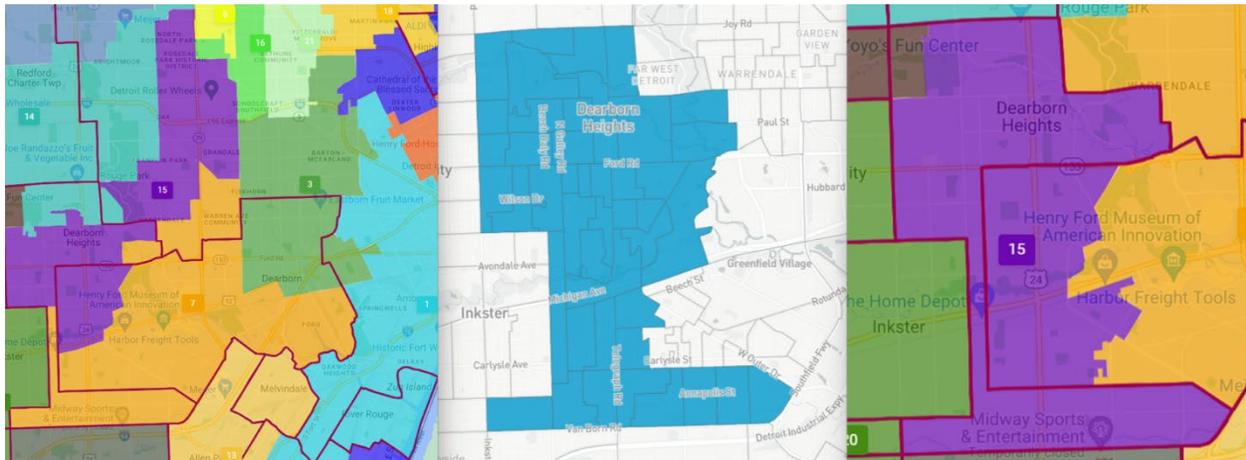
Of particular note, Mr. Eid responded to Mr. Hammoud's Instagram post, remarking, "Thanks for working on it! Hope to make you proud!," to which Mr. Hammoud responded, "congratulations on getting selected! Can't wait to make history together!"



Similar to Mr. Arbit, Mr. Hammoud submitted a draft district for the area that he resided in (the Dearborn Heights area) on October 19, 2021.¹² Prior to November 3, 2021, the MICRC had drafted a VRA district including parts of Detroit with portions of Dearborn and Dearborn Heights. However, on November 3rd, Mr. Eid made radical changes to the Dearborn Heights

¹² <https://www.michigan-mapping.org/submission/p6764>

District (District 15) to align with the maps submitted by Mr. Hammoud.¹³ Similar to Mr. Arbit’s proposed map, Mr. Eid did not identify Mr. Hammoud as the source of the map, which was inconsistent with MICRC practices. A progression of maps from the initial MICRC collaborative District 15, to the District 15 proposed by Mr. Hammoud, and to the final District 15 drawn by Mr. Eid that was incorporated into the Pine 5, Hickory, and Magnolia maps follows:



Original MICRC District 15
VRA District (in purple)¹⁵

District Proposed by
Bilal Hammoud¹⁶

District 15 Drawn By Mr. Eid¹⁴

After the adoption of the Hickory map, Mr. Hammoud ran for office in the District 15 conveniently customized for him by Mr. Eid. As with Mr. Arbit, after the approval of maps by the MICRC, Mr. Eid was captured socializing with Mr. Hammoud.¹⁷



¹³https://www.michigan.gov/micrc/-/media/Project/Websites/MiCRC/MISC4/MICRC_11_03_21_Mtg_Transcript.pdf?rev=6da127e6bc8340479545952159f0f096&hash=3CAE1AFD88CDFE11FF8D2126CF3FD7B0, page 30.

¹⁴ <https://michigan.mydistricting.com/legdistricting/comments/plan/259/23>

¹⁵ <https://michigan.mydistricting.com/legdistricting/comments/plan/258/23>

¹⁶ <https://www.michigan-mapping.org/submission/p6764>

¹⁷ This event was not an election-related event. However, it does display the level of friendly familiarity between the two men.

The evidence also shows that Mr. Eid either intentionally, with neglect, or with gross negligence drafted House District 15 to benefit his friend and political candidate Bilal Hammoud, in violation of his Constitutional obligations.

III. Mr. Eid's Position with APIA Votes MI in Violation of the Conflict of Interest Policy

During the map-drawing process, APIAVote MI ("APIA") was a participant in the MICRC's weekly outreach meetings and actively lobbied the MICRC throughout its map-drawing process. However, after the approval of the maps by the MICRC, APIA joined the League of Women Voters in a lawsuit against the MICRC. As of February of 2022, APIA was a plaintiff in litigation against the MICRC.

Also in February of 2022, Mr. Eid accepted a position with APIA. Because of APIA's contacts with the MICRC during drafting process and their current status as a plaintiff in a lawsuit against the MICRC, the MICRC Conflict of Interest Policy required Mr. Eid to notify the Executive Director of the MICRC, then Sueann Hammersmith, of his position with APIA before beginning work with APIA.¹⁸ Mr. Eid failed to do so. Rather, Mr. Eid accepted this position without notifying the Executive Director as required by the Conflict of Interest Policy. Instead, the MICRC learned of Mr. Eid's employment through word-of-mouth after Mr. Eid commenced his employment with APIA. After learning of Mr. Eid's position, the Executive Director followed the process specified in the Conflict of Interest Policy, resulting in Mr. Eid being notified that the position was a conflict of interest according to the MICRC's counsel. Having been advised that counsel would be advising the MICRC that there was a conflict of interest, Mr. Eid subsequently resigned from his position with APIA:

*"As some of you may have heard, I accepted a part-time policy research position with APIA-Vote MI less than three weeks ago. This morning I was informed by [Executive Director] Sue [Hammersmith] that the work may be viewed as a conflict and a distraction, of which I want neither... After talking with Sue, Edward, and a few other commissioners; I have decided to resign from the position effective immediately."*¹⁹

¹⁸ <https://www.michigan.gov/micrc/-/media/Project/Websites/MiCRC/Conflict/Conflict-of-Interest-052121.pdf?rev=ff0c68ca80be4cb5adc2a10ae9af9c68&hash=5ED09F847C7670DEA42B9A360D8ABE19>

¹⁹ Mr. Eid claimed in this email that then-General Counsel Julianne Pastula approved his position with APIA in advance; however, Ms. Pastula disputed this claim.

Anthony Eid, March 16, 2022 Email to Sueann Hammersmith and Edward Woods (attached as Exhibit A).

Despite having resigned after specifically being informed of there **was** a conflict of interest, Mr. Eid later falsely told the Detroit News and other members of the press that:

"I didn't see it as a conflict of interest and no one told me it was a conflict of interest,' Eid said of the APIA Vote job."²⁰

Independent from any violations of the Conflict of Interest Policy related to Mr. Eid's position with APIA, Mr. Hammoud, the individual who suggested and benefited from Mr. Eid's changes to House District 15, is affiliated with APIA. Thus, the acceptance of this position by Mr. Eid also creates the appearance that Mr. Eid received the position with APIA as a quid pro quo reward for favorably drawing both House District 15 and other the districts impacting communities of interest advanced by APIA.



Image of Mr. Hammoud at an APIA event

Analysis

Commissioners with the MICRC are required to perform his or her duties in a manner that is impartial and reinforces public confidence in the integrity of the redistricting process. Michigan Constitution, Article 4, § 10. Commissioners are also required to demonstrate honesty, integrity, and professionalism in their duties, to conduct themselves in a manner which reflects positively on the Commission, and to put the responsibilities and integrity of the

²⁰ <https://www.detroitnews.com/story/news/politics/michigan/2023/07/20/michigan-redistricting-commissioner-quits-a-second-job-with-group-that-lobbied-him-anthony-eid/70437012007/>

Commission above personal or political gain.²¹ Additionally, because districts drawn by the commission shall not favor or disfavor an incumbent elected official or a candidate, commissioners are prohibited from drawing districts that favor or disfavor an incumbent elected official or a candidate. Const. Art. IV, §13(e).

Mr. Eid has fallen well short of these standards. Mr. Eid appears to have intentionally, or at a minimum, with neglect or gross negligence, drawn districts that favored candidates for office with whom he had a personal relationship. Mr. Eid has not performed his work for the MICRC in an open or transparent manner or in a manner that reinforces public confidence in the redistricting process. Further, Mr. Eid appears to have personally benefited from the drawing of the districts to favor candidates and continues to benefit to this day. Because Mr. Eid's conduct reflects a substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, the MICRC should declare Mr. Eid's office vacant.

Respectfully Submitted,



Commissioner Rebecca Szetela



Commissioner Rhonda Lange

Dated: December 14, 2023

²¹ Code of Conduct, https://www.michigan.gov/micrc/-/media/Project/Websites/MiCRC/Procedure/MICRC_Code_of_Conduct.pdf?rev=659ce6b127d24dc685485c0d6212bae1&hash=DE3A7344354CDB336B2E47331840F45B

From: Eid, Anthony (MICRC) <EidA@michigan.gov>
Sent: Wednesday, March 16, 2022 9:33 PM
To: Woods, Edward (MICRC) <WoodsE3@michigan.gov>; Hammersmith, Suann (MICRC) <HammersmithS@michigan.gov>
Subject: APIA Vote-MI Resignation

Hello Sue and Edward; Can you two take a look at the below email for messaging, and if it is acceptable, send it to the other commissioners? If you think I should change it, please let me know.

Hello fellow commissioners,

As some of you may have heard, I accepted a part-time policy research position with APIA-Vote MI less than three weeks ago.

This morning I was informed by Sue that the work may be viewed as a conflict and a distraction, of which I want neither. Before accepting this position, I conferred with our general counsel on if it would be viewed as a conflict of interest. I left that conversation with the impression that it would not, as the maps have already been completed, as long as the work did not involve redistricting.

After talking with Sue, Edward, and a few other commissioners; I have decided to resign from the position effective immediately. The last thing I want is for a conflict on interest, even a perceived one, to distract from our work. I should have put more thought into how you as my colleagues would feel about this before accepting the position, and own up to the mistake.

In full disclosure, my work with them over the past 2.5 weeks was centered around reserach on K-12 Curriculum & Refugee policy. This research was conducted on my own, and at no point was redistricting ever brought up or mentioned. I have attached my resignation to this email for the rest of y'all to see.

Best Wishes,

Warmest Regards,

Anthony Eid, M.S.

Commissioner - Michigan Independent Citizens Redistricting Commission

517-898-9034

