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February 1, 2024

Via Email

Michigan Independent Citizens Redistricting Commission
P.O. Box 30318
Lansing, MI 48909
E-Mail: WoodsE3@michigan.gov

Re: Response to Notice under Const 1963, art 4, § 6(3)(e)—Commissioner Anthony Eid

Dear Commissioners:

On behalf of our client, Commissioner Anthony Eid, we submit this response to the notice dated December 14, 2023 (the “**Notice**”) filed with the Michigan Independent Citizens Redistricting Commission (the “**Commission**”) pursuant to Const 1963, art 4, § 6(3)(e) by Commissioners Rebecca Szetela and Rhonda Lange (the “**Complaining Commissioners**”).

Commissioner Eid responds in detail to the false, misleading, and baseless accusations included in the Notice in a written response attached as Exhibit 1. And he confirms in his sworn statement attached as Exhibit 2 that (1) he satisfies all of the requirements under the Michigan Constitution to continue his service as a member of the Commission, (2) he has never engaged in any conduct as a member of the Commission, including drafting activity, intended to favor any member of, or candidate for, the Michigan House of Representatives, and (3) as a member of the Commission he has endeavored to perform his duties in a manner that is both impartial and that reinforces public confidence in the redistricting process.

The Notice is an unnecessary distraction from the important work entrusted to the Commission by the People of the State of Michigan as the Commission devotes extensive time and effort to ensure that the district plans for the Michigan Legislature fully comply with the state and federal constitutions and the Voting Rights Act.

We respectfully urge the Commission to reject the Notice and decline to conduct any hearing relating to the Notice. Why? In short, the Notice doesn’t cut it. In legalese, the Complaining Commissioners fail to provide a sufficient legal basis for the Commission to find either substantial neglect of duty or gross misconduct in office. Facts matter. But regurgitation of social media posts, speculation unsupported by actual evidence, and attempted guilt by association that together result in little more than a glorified Internet conspiracy theory do not.

By submitting the Notice, the Complaining Commissioners ask the Commission to remove Commissioner Eid from office pursuant to Const 1963, art 4 § 6(3)(e),¹ which provides that the office of a member of the Commission becomes vacant:

After written notice and an opportunity for the commissioner to respond, a vote of 10 of the commissioners finding **substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office.** [Emphasis added.]

Const 1963, art 4, § 6(3)(e) limits the legal basis for removal from office to (1) substantial neglect of duty, (2) gross misconduct in office, or (3) inability to discharge the duties of the office of member of the Commission.

This provision of the Michigan Constitution mirrors a similar, earlier provision from the Arizona Constitution, which provides:

After having been served with written notice and provided with an opportunity for a response, a member of the independent redistricting commission may be removed by the governor, with the concurrence of two-thirds of the senate, for **substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of the office.** [Ariz Const, art 4, pt 2, § 1(10) (emphasis added)].

For starters, the third reason for removal—inability to discharge the duties of the office—is not at issue here. The Complaining Commissioners do not claim, and the Notice includes no facts or evidence supporting a finding, that Commissioner Eid is unable to perform his duties as a member of the Commission. Indeed, Commissioner Eid, suffering from no disability or inability, is not unable to perform his duties. He currently is actively doing so as the Commission acts to comply with the orders issued by the United States District Court for the Western District of Michigan in *Agee v Secretary of State* (Docket No. 1:22-cv-272).

That leaves two potential grounds for the requested constitutional removal: *first*, substantial neglect of duty; and *second*, gross misconduct in office. The Notice fails to demonstrate that Commissioner Eid has engaged in either.

1. Commissioner Eid Has Not Substantially Neglected His Duties as a Commissioner

So what does “substantial neglect of duty” mean? The phrase is not defined in the Michigan Constitution. However, it has been interpreted by the Arizona Supreme Court to mean a “substantial failure to perform a duty” implying “wrongdoing, some act or omission or commission in office the law required to be done which was not done or if done was done in an unlawful manner” that is “categorical and egregious”. *Ariz Indep Redistricting Comm v Governor*, 229 Ariz 347, 356; 275 P3d 1267 (2012). The Michigan Supreme Court has held that

¹ See Exhibit 3 for the complete text of Const 1963, art 4, § 6.

“gross negligence” means the “intentional failure to perform a manifest duty.” *Bolger v Detroit Common Council*, 153 Mich 540, 547-548 (1908).

Before determining whether a duty has been neglected, the duty first must be identified. But the Notice fails to identify with any specificity any particular duty of Commissioner Eid as a member of the Commission that he intentionally failed to perform.

Even if the Complaining Commissioners’ first stated reason to remove Commissioner Eid from office—that Commissioner Eid drafted State House District 20 to favor House candidate Noah Arbit—were true (it is not), the duties of the Commission relating to the proposal and adoption of district plans are vested by Const 1963, art 4, § 6(13) in the Commission as a body, not individual commissioners. The duty is the Commission’s as a body and not Commissioner Eid’s as an individual member because Commissioner Eid has no authority to draw or adopt maps for the Commission on his own. He cannot violate a duty relating to the drawing of maps because he has no authority to draw maps on his own.

Similarly, even if the Complaining Commissioners’ second stated reason to remove Commissioner Eid from office—that Commissioner Eid drafted State House District 15 to favor House candidate Bilal Hammoud—were true (also false), the Notice again falls short. No duty, no negligence.

As a result, nothing included in the Notice provides a legal basis for a finding by the Commission that Commissioner Eid substantially neglected his duties as a member of the Commission.

2. Commissioner Eid Has Not Engaged in Gross Misconduct in Office

While the phrase “gross misconduct in office” is not defined in the Michigan Constitution, the Arizona Supreme Court has indicated that the phrase consists of “a public officer’s corrupt violation of assigned duties by malfeasance, misfeasance, or nonfeasance” that is a “knowing and willful violation of a legal duty.” *Ariz Comm*, 229 Ariz at 356. A officeholder engages in malfeasance when the officer engages in conduct without legal authority. *Id.* Misfeasance is doing what the law requires in a wrongful manner. *Id.* Nonfeasance has the same meaning as neglect of duty. *Id.*

A similar meaning of “official misconduct” is well established in Michigan law. “The term ‘misconduct in office’ or ‘official misconduct’ is broad enough to include any willful malfeasance, misfeasance, or nonfeasance in office. *People v Coutu (On Remand)*, 235 Mich App 695, 706; 599 NW 2d 556 (1999) (citation omitted). Misconduct warranting removal from office must be something a public officer did in an official capacity, not as a private individual. *Wilson v Highland Park Council*, 284 Mich 96, 98; 278 NW 778 (1938). See also, *Krajewski v Royal Oak*, 126 Mich App 695, 696-698; 337 NW2d 635 (1983); *Carroll v Grand Rapids Comm*, 265 Mich 51, 58; 251 NW 381 (1933).

Much of the information included in the Notice relates to conduct by others or to private conduct by Mr. Eid and not to his conduct in office, including his attendance at events unrelated to the Commission, activities while a student, social media comments, and conversations with individuals on matters not relating to redistricting activities. None of that relates to his official duties as a member of the Commission and therefore cannot be misconduct in office. That information included in the Notice is neither relevant nor material to a finding under Const 1963, art 4, § 6(3) that Commissioner Eid engaged in gross misconduct in office.

While irrelevant matters may be distracting, they do not hide the fact that the Complaining Commissioners have failed to demonstrate how Commissioner Eid knowingly or willfully engaged in malfeasance. He did not in his capacity as a member of the Commission knowingly or willfully do something that was positively wrong or unlawful that he lacked the authority to do. The Complaining Commissioners also have not provided sufficient evidence to indicate that Commissioner Eid engaged in misfeasance. They have not demonstrated how he performed some specified duty as a member of the Commission in a wrongful or illegal manner. No misfeasance. No malfeasance. No basis for a finding by the Commission that Commissioner Eid engaged in gross misconduct in office.

Finally, the third reason stated by the Complaining Commissioners in the Notice seeking the removal of Commissioner Eid—that Commissioner Eid’s position with “APIA Votes MI” violated the Conflict of Interest Policy—is both wrong and not a legal basis for removal. The Notice specifies no duty associated with this claim. Nothing in Const 1963, art 4, § 6 imposes any duty on a member of the Commission to comply with a conflict of interest policy. What is the legal basis permitting the Commission to remove a member of the Commission for violating a conflict of interest policy?² There is none.

Because the information included in the Notice submitted by the Complaining Commissioners fails to establish a sufficient legal basis for the Commission to find under Const 1963, art 4, § 6(3)(e) that Commissioner Eid either substantially neglected his duty as a Commissioner, or engaged in gross misconduct in office, we respectfully urge the Commission to reject the Notice and decline to conduct any hearing relating to the Notice.

For the benefit of future members of the Commission, the Commission should establish a high-bar, not a low one, for the evidence necessary to compel a member of the Commission to vacate their office. The Commission has the opportunity to establish precedent here. Set the right one. Efforts to remove a member of the Commission should be rare, firmly grounded in the

² While Const 1963, art 4, § 6(4) permits the Commission to adopt its own rules of procedure for the conduct of its Commission business, the People of the State of Michigan have not authorized the Commission to adopt any standards of conduct for members of the Commission that exceed standards of conduct provided for in Const 1963, art 4, § 6. The rulemaking power of the Commission “‘extends only to matters of practice and procedure,’ and it ‘is not authorized to enact . . . rules that establish, abrogate, or modify’ the law, especially the provisions enacted by the People in article 4, § 6.” OAG, 2021-2022, No 7,317 (November 22, 2021) (citation omitted), quoting *People v Glass*, 464 Mich 266, 291 (2001).



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law, and not rooted in petty disputes. So we urge the Commission to dispose of this removal request expeditiously and return to your pressing business.

Thank you for your consideration of this submission and for your public service as members of the Commission.

Respectfully yours,

Dykema Gossett PLLC

A handwritten signature in blue ink, appearing to read "Steven C. Liedel".

Steven C. Liedel

SCL/scli
Attachments

cc: Edward Woods III, Executive Director
David Fink, Esq.
Nathan Fink, Esq.

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EXHIBIT 1

Response of Commissioner Anthony Eid to Notice Under Subsection 6(3)(e) of Article 4 of the Michigan Constitution

February 1, 2024

Commissioners:

I am writing in response to the Notice Under Subsection 6(3)(e) of Article 4 of the Michigan Constitution (Notice) submitted by Commissioner Rebecca Szetela and Commissioner Rhonda Lange. I categorically deny the allegations levied against me in the Notice. They are both frivolous and defamatory in nature. The allegations in the Notice lack substance, unfairly tarnish my reputation, and create a false perception of dysfunction within our ranks. The information included in the Notice is speculative and at best circumstantial, and easily rebutted. I am disappointed by the Notice as it sows discord among the Commissioners and distracts us from our important constitutional duties on behalf of the People of the State of Michigan.

I want to emphasize that as a Commissioner, my actions have always been guided by adherence to the Michigan constitutional criteria, particularly focusing on communities of interest and a comprehensive analysis of all available data. I did not possess prescient knowledge of future officeholders or draft districts with any ulterior motives.

While the Notice specifically focuses on House Districts 20 and 15, the notice ignores my deep understanding of these areas. Being from and being a registered voter in the Orchard Lake/West Bloomfield area, and as the sole Middle Eastern member of this Commission, I have a personal lived experiences that informs my awareness of the nuances of these communities.

I remain committed to the Commission's objectives and trust that a fair examination of the facts will reveal the baselessness of these accusations.

1. House District 20

1a. How House District 20 was drafted:

The first false accusation included in the Notice improperly alleges that I crafted House District 20 with the intention of benefiting Mr. Noah Arbit. This accusation is both false and misleading, lacking support in the official records of the Commission.

To shed light on the actual drafting of House District 20, it is crucial to clarify that **I did not originate the configuration of District 20**. The record clearly indicates that during the Commission's meeting on September 22, 2021¹, Commissioner Dustin Witjes took the lead in drafting the district around the 7:30:00 minute mark. The composition included West Bloomfield, Orchard Lake, Keego Township, Sylvan Lake, and the easternmost precincts of Commerce Township. Subsequently, at approximately the 7:36:00

¹ [9/22/2021 Independent Citizen's Redistricting Commission Meeting \(youtube.com\)](https://www.youtube.com/watch?v=9/22/2021-Independent-Citizen's-Redistricting-Commission-Meeting)

mark, Sarah Reinhart of the Michigan Department of State asked Commissioner Witjes to explain his reasons for the district's design. He provided the following explanation:

“COMMISSIONER WITJES: When we were at our public hearing in Novi, we got a lot of public comments stating that the Orchard Lake area as well as West Bloomfield should be kept together. Which I'm doing here. This is also taking into account the individuals who do not have a particular box to check on the census form that live in this particular area. And that would be how I would take into account the diverse population of Michigan in this particular District as drawn.”

Given Commissioner Witjes' comprehensive rationale already documented on the record, I deemed it unnecessary to further discuss communities of interest (COI) considerations relating to district.

Responding to claims included in the Notice about the meeting on October 29, 2021 regarding the Greater West Bloomfield COI identified in public comments, it is essential to clarify that the discussion on that day pertained to the Michigan **SENATE** district, not the Michigan **HOUSE** district, as might be misconstrued without context. Furthermore, Commissioner Janice Vallette expressed agreement with the senate configuration of the area². The record of Commission proceedings provide:

“COMMISSIONER EID: Cultural communities do not extend to [northern] Oakland County. They are situated in Orchard Lake, West Bloomfield and Walled Lake, Commerce; but do not go up into Independence [Township] or Highland [Township] or White Lake [Township] or Waterford [Township].

COMMISSIONER VALLETTE: I agree with Commissioner Eid. I think that those upper northern communities would be better with the other ones. I agree with what he is saying.”

COMMISSIONER EID: I just want Orchard Lake and West Bloomfield to be somewhere else. However we achieve that, that is up to the Commission, but that is my strong opinion. This needs to be somehow either with Farmington Hills, Novi, [or] Commerce; and that way we can as Commissioner Vallette said, we can then have the northern Oakland County Townships be together as well.”

Additionally, the Notice references a tweet from my public Twitter account, misrepresenting its contents. The tweet, shared a couple of weeks **after** the Commission voted to adopt maps, highlights my favorite districts in which I had a role in drawing as part of the Commission. They are my favorite districts because of their adherence to the Commission's constitutional criteria, including communities of interest, and because they are responsive to public comments that we heard as Commissioners. The reference in the Notice to the phrase "*hand in drawing*" in the tweet seems to incorrect imply that I single-handedly created the district. However, as previously clarified above, this is not the case. These districts represent the collaborative public work of the Commission. The Commission adopted the collaborative Hickory plan with 11 out of 13 commissioners voting in favor. It is my belief that **every** Commissioner contributed to the creation of **every** district, and each had the opportunity to make edits or propose other changes or other plans. It is also important to note that the tweet cited in the Notice

² [MICRC Meeting Transcript 10 29 2021.pdf \(michigan.gov\)](#)

specifically names various communities of interest supported in the maps and does not mention any political candidate, as suggest in the Notice. The tweet concludes with the statement, “So happy we adopted collaborative maps with Bipartisan support!” – a sentiment supportive of the work of the Commission and hardly indicative of any misconduct.

Lastly, the Notice cites various news articles about Mr. Arbit but fails to provide evidence indicating my awareness of those articles, instead suggesting guilt by association. I have never read any article in the Jewish Insider, with the exception of one authored by Commissioner Szetela. It is crucial to recognize that the mere existence of news articles is circumstantial and does not establish my knowledge or engagement with the content.

Conclusion: It is imperative to recognize that I was not the initiator or primary drafter of House District 20. It was adopted by the Commission as a body after extensive public comment. Any suggestion that I drafted it to favor a specific candidate is unfounded. The Commission collectively supported the configuration presented by Commissioner Witjes, a decision grounded in the Community of Interest feedback received from the community and the constitutional standards applicable to the Commission and the maps it adopts.

1b. The Greater West Bloomfield Community of Interest:

The assertion in the Notice that the Greater West Bloomfield Community of Interest (COI) recognized by the Commission lacked public support and was solely endorsed by Mr. Noah Arbit is inaccurate and contradicted by the comprehensive record of the Commission. A brief examination of the Commission’s proceedings reveals that the Greater West Bloomfield COI garnered significant backing from both written comments and in-person testimony.

Public sentiments expressed through written comments and live testimony consistently highlighted the interconnectedness and shared interests within the Greater West Bloomfield COI. As someone intimately familiar with this community, having grown up, lived in, spent a significant portion of my time in, and as a voter in this area, I attest to the accuracy of this COI. It is a diverse community that encompasses Jewish, Chaldean-Christian, African-American, Arab, Indian, and Japanese communities. The shared attributes of a school district, police and fire services, libraries, community centers, social services, museums, voting locations, a historic island, and more collectively define it as a genuine community of interest. The public comments also describe how West Bloomfield was split between multiple congressional, Michigan House, and Michigan Senate districts for political gain in the prior redistricting cycle.

During the Commission meeting on September 30, 2021³ in Oakland County—the location of the COI—community members voiced their support for the COI and the Commission’s drafting of the area. Notable live testimonies include Ali at the 43:49 minute mark, Chris at the 45:56 minute mark, and Ashley at the 48:29 minute mark.

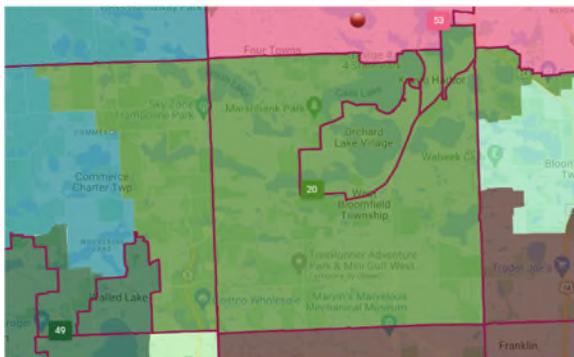
Written testimonies from the Commission’s public comment portal further illustrate the widespread support for the Greater West Bloomfield COI. Notable submissions include **ID: F1523**⁴ by Noah Arbit,

³ [09/30/2021 Independent Citizen's Redistricting Commission Meeting #2 \(youtube.com\)](https://www.youtube.com/watch?v=09/30/2021-Independent-Citizen's-Redistricting-Commission-Meeting-#2)

⁴ [MICRC Public Comment Portal \(michigan-mapping.org\)](https://michigan-mapping.org/micrc-public-comment-portal/)

which was supported others, including Irma, Barbara Rosenthal, Jeannine Weiner, Francie, Lauren Koenigsberg, and Cathy Cantor. **ID: O3500**⁵ by Ian Sandler-Bowen. **ID: W3045**⁶ by Sharon. **ID: p1772**⁷ by Trent Varva. **ID: C876**⁸ by Debbie Binder and supported by Irma Glaser. **ID: W2466**⁹ by Sharon. **ID: P8066**¹⁰ by Yousif. **ID: W8299**¹¹ by Johnathan E. **ID: P7475**¹² by Will F. **ID: C5848**¹³ by Londyn Williams. **ID: P4766**¹⁴ by K. **ID: C5247**¹⁵ by Judah Karesh. **ID: O5288**¹⁶ by Jordan. **ID: W4556**¹⁷ by Eugene Greenstein. **ID:W737**¹⁸ by PJ. **ID: W1249**¹⁹ by Bruce Timmons. **ID: W1368**²⁰ by Diane Anderson and **ID: C1811**²¹ by Alicai Pearlman. This is only a cursory look at the public comment supporting the COI, and a more thorough search would provide hundreds more.

Importantly, it should be noted that Commissioner Szetela, in her individual house map submission, endorsed the same configuration for District 20, demonstrating broad agreement among Commissioners with the Greater West Bloomfield COI.



Commissioner. Szetela's HD 20 from her own individual mapping submission.



HD 20 in the Hickory Collaborative Map.

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- ⁵ [MICRC Public Comment Portal \(michigan-mapping.org\)](https://michigan-mapping.org)
 - ⁶ [MICRC Public Comment Portal \(michigan-mapping.org\)](https://michigan-mapping.org)
 - ⁷ [MICRC Public Comment Portal \(michigan-mapping.org\)](https://michigan-mapping.org)
 - ⁸ [MICRC Public Comment Portal \(michigan-mapping.org\)](https://michigan-mapping.org)
 - ⁹ [MICRC Public Comment Portal \(michigan-mapping.org\)](https://michigan-mapping.org)
 - ¹⁰ [MICRC Public Comment Portal \(michigan-mapping.org\)](https://michigan-mapping.org)
 - ¹¹ [MICRC Public Comment Portal \(michigan-mapping.org\)](https://michigan-mapping.org)
 - ¹² [MICRC Public Comment Portal \(michigan-mapping.org\)](https://michigan-mapping.org)
 - ¹³ [MICRC Public Comment Portal \(michigan-mapping.org\)](https://michigan-mapping.org)
 - ¹⁴ [MICRC Public Comment Portal \(michigan-mapping.org\)](https://michigan-mapping.org)
 - ¹⁵ [MICRC Public Comment Portal \(michigan-mapping.org\)](https://michigan-mapping.org)
 - ¹⁶ [MICRC Public Comment Portal \(michigan-mapping.org\)](https://michigan-mapping.org)
 - ¹⁷ [MICRC Public Comment Portal \(michigan-mapping.org\)](https://michigan-mapping.org)
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 - ¹⁹ [MICRC Public Comment Portal \(michigan-mapping.org\)](https://michigan-mapping.org)
 - ²⁰ [MICRC Public Comment Portal \(michigan-mapping.org\)](https://michigan-mapping.org)
 - ²¹ [MICRC Public Comment Portal \(michigan-mapping.org\)](https://michigan-mapping.org)

and a friend hosted a meet and greet because people in my area were not aware of who their candidate even was. So we invited them to come at our expense and meet our public. And answer questions that they have. I did not come out and support this person. I did not attend the fundraiser, but it was purely to get to know who the candidate is. Because as voters we have the right to due diligence to make sure that the person we are voting for lines up with how we feel. I feel every voter should do that. Again when you are saying support, publicly support, are you saying give an endorsement to? I think we need to be really clear on this. That's my question. More clarification, please.

Subsequently, I voiced my agreement with Commissioner Lange, emphasizing the importance of voters undertaking due diligence to understand the candidates they support. I highlighted at that time that individuals have the constitutional right to assemble.

“COMMISSIONER EID: Yeah, you know I certainly agree with what Commissioner Lange said. I think all of us as individuals and as voters have a responsibility to learn about the folks we are voting for. And take that responsibility seriously. And knowing what that person stands for. And if we want to vote for them or not.

I was simply trying to support Commissioner Lange and say that there was no issue with her behavior, just as there isn't with mine, as we all have the constitutional right to assemble.

The Notice also raises concerns about a photo taken of me at the speaking event and attempts to portray it as evidence of wrongdoing. While this may be evidence that I attended the event, this is not evidence of any wrongdoing. Therefore, it is essential to provide context and correct any misconceptions surrounding this issue. The Notice fails to acknowledge that the screenshot of the Instagram post included in the Notice includes at least seven (and likely more) other photos in the collage. The caption accompanying the post is a general description of the event, not specifically directed at me, as suggested by the Notice. The post mentions numerous individuals by name, and my name is notably absent from the list. It is crucial to emphasize that a photograph, in this context, is circumstantial and cannot be deemed as conclusive evidence of any wrongdoing. Drawing definitive conclusions based solely on a photograph is an oversimplification and patently unfair²⁵.

Conclusion: My attendance at candidate events and subsequent statements were driven by a commitment to responsible voting and upholding constitutional rights and unrelated to my duties as a Commissioner. The full record supports the assertion that my comments were not a calculated response to external influences but rather an expression of support for fundamental civic values and fellow Commissioners.

²⁵ The Notice also alleges that I have described myself as a "friend" of Mr. Arbit, but she provides no evidence to support this claim. Instead, she points to the same Instagram post where Mr. Arbit referred to me as a friend. The absence of any direct statement from me describing our relationship as "friends" underscores the importance of considering the broader context of such references.

In fairness, it is essential to recognize that terms like "friend" in a public context can be subjective and may not always imply a personal relationship. Context matters, and a single mention in an Instagram post should not be taken as conclusive evidence of the nature of our relationship.

1d. Communications outside of public meetings:

The Notice also includes false accusations that I privately contacted Commissioners outside of public meetings to influence the drafting of districts. To support this claim, she provides a text message that I sent to her when experiencing car trouble on my way to a meeting. No quorum rules and no provisions of the Constitution were violated with this message. It was sent out of necessity rather than an attempt to improperly influence the drafting process.

Conclusion: The allegations of private communication influencing district drafting included in the Notice are meritless. It is crucial to maintain accuracy and fairness in assessing communication practices among Commissioners, fostering a focus on constructive dialogue and adherence to established rules for the benefit of our work and the People we serve.

2. House District 15:

2a. How House District 15 was drafted:

When it comes to House District 15, the central accusation in the Notice asserts that I somehow crafted House District 15 with the intention of benefiting Mr. Bilal Hammoud. Wrong. I must stress that this accusation is both incorrect and misleading, lacking support in the official records. I find it abhorrent²⁶.

To properly refute these false claims, let's examine how District 15 was drawn. The Notice correctly indicates that I edited the configuration of District 15 on November 3, 2021 during the Commission's collaborative map drawing process. The Notice falsely claims that the purpose of the edit it was to favor Mr. Hammoud. In actuality, a thorough review of the Commission record reveals that the district was instead drawn to align with the preferred Community of Interest (COI) configuration in collaboration with the Commission's Voting Rights Act (VRA) expert.

The primary and publicly-expressed goal was twofold: to create three districts (15, 3, and 4) that could reasonably support the large Middle Eastern and North African (MENA) COI in the area while simultaneously establishing a VRA opportunity district for African-American voters in District 4. This decision was data-driven, supported by an analysis indicating that Middle Eastern voters in Dearborn and Black voters in Detroit often vote for the same candidate. Notably, the commission relied on election results, not just demographic data, to demonstrate that the districts would perform well for the MENA community.

Excerpts from the November 3, 2021²⁷ Commission meeting further clarify the rationale:

COMMISSIONER EID: There we go. Those are the changes. Instead of splitting the Arab community all around into a whole bunch of different districts this splits it into three pretty compact districts. I don't think it brought the BVAP up above anything what we went over

²⁶ This section of the Notice contains several inaccuracies and misleading statements. For instance, it erroneously depicts Mr. Hammoud and me as simultaneous Psychology students and members of the University student government. However, it fails to mention that we were not involved in these activities concurrently. I never shared classes with Mr. Hammoud, as I transitioned to the Department of Biology after completing my Psychology degree requirements. Our timelines in the psychology department and in the university student government did not overlap. After my term in the student government of the main campus, which extended from my undergraduate studies through my master's degree, I pursued a different campus leadership position when entering my doctoral program. While Mr. Hammoud and I were both campus leaders, I do not recall any direct one-on-one interactions with him at any point in time.

²⁷ [MICRC 11_03_21_Mtg_Transcript.pdf \(michigan.gov\)](#)

yesterday. I'd be interested to see the election results to see if this did actually increase the amount of Arab Americans in these districts

COMMISSIONER EID: We know that from our data that we got this week from Dr. Handley that Arab Americans by and large vote similarly to Black Americans in this area. So I think it's appropriate. I think it's what the community has been calling for. **From our public hearings and what is on our public comment portal.** And I think something like this should be applied to both of the two different configurations that we have right now. And you can do it on both pretty easily. The other one is slightly different because it includes Melvindale in a Dearborn District if I recall correctly but it is possible.

The quoted dialogue illustrates, on the record, my specific reasons for configuring the districts, clearly not for any particular potential candidate. The conversation then shifts to Mr. Bruce Adelson's analysis of how the districts were likely to perform:

MR. BRUCE ADELSON: Madam Chair before we do that can we look at the El-Sayed primary results?

Mr. Adelson and I then review primary election results and discuss the margins on the three house districts in question.

COMMISSIONER EID: The margin on three is greater. The margins on 15 and 7 are similar.

MR. BRUCE ADELSON: Sure, the election results are as far as margin they are improved or comparable to yesterday. So and yesterday we had there were four districts, now there are three districts with large Arab American populations am I correct about that?

COMMISSIONER ORTON: Bruce or Mr. Adelson did you look at the overall demographics of those and make sure if there is any VRA districts we didn't mess anything up?

MR. BRUCE ADELSON: It seems to me that the that there was a swap with two of the districts. But that the other districts, the districts appear to be strengthened over all for Black residents of Detroit in those districts. So the numbers to me all looked pretty good. And with the improvement of the electoral margins and also have the Arab American population in these three adjoining or nearby districts it seems to me to be a good change.

Conclusion: The review of records disproves the false claim of biased editing in House District 15 included in the Notice. The Commission's decision, as evidenced by the November 3, 2021 meeting, was driven by a commitment to Community of Interest (COI) considerations and Voting Rights Act (VRA) compliance. The process aimed at creating fair and inclusive districts, considering community voices and adhering to constitutional criteria. The intention was not to favor a specific candidate but to ensure a representative and equitable redistricting outcome.

2b: The Middle Eastern/North African Community of Interest:

The MENA (Middle Eastern and North African) Community of Interest (COI) poses unique challenges in the redistricting process due to its absence from census data, limiting available information for map-drawing. As the sole Middle Eastern member of the Commission, this issue personally resonates with

me. To address this challenge, the Commission heavily relied on COI submissions and public testimony to understand and define the MENA COI.

During the Commission's public hearing in Dearborn²⁸, held before any maps were drawn, community members provided crucial testimony emphasizing the historical lack of representation in the Dearborn, Dearborn Heights, Melvindale, and West Detroit area. Their insights played a pivotal role in shaping the Commission's understanding of the MENA COI and informed subsequent redistricting decisions.

Noteworthy live public comments on this matter include Mustfa Hammoud, Osama Sabline, Lamna Joseph, Kari Kassad, Bridget Foaz, Pete Patoske, #43, Abil Hammoud, Walie Edine, Adam Beddawi, Sara Moughni, and Madiha Tariq. Additionally, there are hundreds, if not thousands, of written public comments echoing these sentiments.

It's important to highlight that attribution in the Notice of sole support for the Dearborn Heights configuration only to Mr. Hammoud, fails to disclose additional specific comments in (p4293²⁹ and p6764³⁰) supported by individuals such as Samir Hammoud, Shams Al-Badry, Sam Haidar, Reema Mansour, Mariam R, I, Ghada, Abdul, Ibrahim, Kenneth I, Denise Eileen, Rula Bazzi, Hassan A, Mohammed Chahrour, and Denise. These commenters expressed their support for the District 15 configuration, and a similar stance is evident in comment c3753, which also garnered one supportive comment.

In fact, when Commissioner Szetela for unknown reasons proposed a different configuration for the area³¹, I immediately objected to this configuration, citing public map submission w1530:³²

COMMISSIONER EID: Mr. Adelson pointed this out, but we've had some very good communities of interest maps that include West Detroit, along with this District that you're trying to draw. It is ID number W1530 by Mariam Oknon. She has a couple really good comments actually that I suggest everyone read. She is one of the community organizers with Access Clinic. And, you know, they work with this population every single day. She submitted a map. Along with a very powerful letter titled a letter from an Arab American. And also maps for the access and APIA communities in Hamtramck and Detroit. And the ones for the Dearborn/Detroit area go further in West Detroit than what we have here and do not include Redford or Taylor.

Commissioner Szetela failed to alter her position when informed that members of the MENA community were in fact protected by the VRA:

MR. BRUCE ADELSON: Yeah, I think that is a great point. As you know and I think Mr. Brace talked about this at the beginning the census does not have a tab or unique description for people of Middle Eastern or Arab descent. So he had suggested, and I concur, looking at additional sources of information like the American community survey, that does breakout that population by race. And that's not the current 2020 census data. But this is an example of a population that is covered by the Voting Rights Act. That is not defined as a specific race in the census data where

²⁸ [6/03/21 Independent Citizens Redistricting Commission Dearborn Meeting & Hearing \(youtube.com\)](#)

²⁹ [MICRC Public Comment Portal \(michigan-mapping.org\)](#)

³⁰ [MICRC Public Comment Portal \(michigan-mapping.org\)](#)

³¹ [09/09/2021 Independent Citizen's Redistricting Commission Meeting \(youtube.com\)](#)

³² [MICRC Public Comment Portal \(michigan-mapping.org\)](#)

they have been specific public comments referencing this community. That is important as you all were doing to look at it and make the considerations that you are. But getting data and information beyond the 2020 census data. Because that just will not separate out Arab Americans or people of Middle Eastern ancestry.

After much deliberation and debate between possible configurations of this area, I said in honest frustration:

COMMISSIONER EID: Let's be clear we are talking about a community that we just heard from our Voting Rights Act expert is a community that is protected by the Voting Rights Act. So we need to figure out a way to do this, to make that take priority here as that's the number one criteria which is even over communities of interest.

The discussion ends with me suggesting that the Commission follow the MENA COI, advocating for a senate district to include west Detroit.

COMMISSIONER EID: What would make sense to me is going into western Detroit and taking the parts of it that are to the left of I-94 up until we get to Dearborn.

Finally, the Notice implies impropriety by noting that Mr. Hammoud and I attended the same community event in 2023, two years after the commission passed maps. A further improper attempt at guilt by association. It is not uncommon for two community leaders to have shared interests in such events. In this instance, my attendance was motivated by a harm reduction panel addressing the opioid epidemic within the MENA community, a topic I am trained in. My attendance at this event not in my capacity as a Commissioner in no way supports any allegations of misconduct as a Commissioner.

Conclusion: The configuration of House District 15 was crafted to ensure proper representation for the Middle Eastern and North African (MENA) Community of Interest (COI). The Commission, recognizing the unique challenges faced by the MENA community, heavily relied on COI submissions and public testimony during the redistricting process. Notably, live and written comments from community members played a significant role in shaping the entire Commission's understanding of the MENA COI, ultimately influencing redistricting decisions. The attempt in the Notice to attribute sole support for the Dearborn Heights configuration to Mr. Hammoud overlooks broader community endorsements and fails to acknowledge the Commission's commitment to fair representation.

3. Conflict of interest claims:

In response to conflict of interest claims included in the Notice, it is crucial to clarify the facts surrounding the allegations and the conduct actually restricted by the Michigan Constitution. The Notice alleges conflict of interest based on perception, not facts.

The primary contention revolves around my acceptance of a part-time policy position with APIA Vote-MI; a non-partisan 501(c)(3) community organization; a role for which I had the appropriate rights, expertise, and knowledge to hold. I accepted this position only **after the Commission's mapping work was completed and legally adopted.**

Furthermore, acceptance of this position is not prohibited by the Michigan Constitution.

As a Commissioner, I committed to abide by the rules outlined in the Michigan Constitution, which clearly delineate the restrictions on commissioners. The Michigan Constitution expressly prohibits Commissioners from serving as:

- (c) an officer or member of the governing body of a national, state, or local political party;
- (d) a paid consultant or employee of a federal, state, or local elected official or political candidate, of a federal, state, or local political candidate's campaign, or of a political action committee;
- (e) an employee of the Michigan Legislature;
- (f) registered as a lobbyist agent with the Michigan Bureau of Elections;
- (g) an employee of any person registered as a lobbyist agent with the Michigan Bureau of Elections; or
- (h) an unclassified state employee who is exempt from classification in state civil service pursuant to section 5 of article XI of the Michigan Constitution of 1963.

While the Constitution prohibits a Commissioner from being a paid consultant or employee of a political action committee, APIA-Vote-MI is not a political action committee. The Constitution also prohibits a Commissioner from being an employee of a person who is registered as a lobbyist agent with the Bureau of Elections. APIA Vote-MI is not and has not ever been registered as a lobbyist agent. The People of the State of Michigan have prohibited Commissioners from certain employment, but only those forms of employe specifically mentioned by the People in the Constitution, not others.

Employment by APIA Vote-MI is not prohibited by the Michigan Constitution and is not a basis to remove a Commissioner from office under the Michigan Constitution. Everything else included in the Notice is just a distraction from these facts.

Conclusion: The conflict of interest claims included in the Notice fail to support a notice to vacate under the Constitution. The accusations are baseless and disconnected to the actual requirements included in the Michigan Constitution.

4. Independent Status

Since the submission of the Notice, I have become aware of additional questioning regarding my status as an independent Commissioner³³. I am an independent and not affiliated with either the Democrat Party or the Republican Party. This issue was previously reported on by MIRS News in September 2021 when similar accusations arose from partisan groups. The MIRS News article, entitled: *A Deeper Dive Into Redistricting Commissioners' Political Past*³⁴ stated that:

"But after reviewing voting records for all 13 commissioners, Practical Political Consulting's Mark Grebner said, "None of these people look to me like they're secretly tied into either party."

The right-leaning Washington Free Beacon recently published stories on both Eid and Szetela, which were promoted by the Michigan Republican Party (MRP) and Michigan Freedom Fund (MFF). Both the MRP and MFF called for the aforementioned commissioners to step down from their map-drawing duties.

³³ [COLUMN: Redistricting commission hasn't delivered fair, transparent process people were promised \(gophouse.org\)](https://www.gophouse.org/column/redistricting-commission-hasnt-delivered-fair-transparent-process-people-were-promised)

³⁴ <https://mirs.news/news/capsule/mirs-capitol-capsule-friday-september-10-2021#66309>

But Grebner's review of Eid's voting record showed a different take.

He said Eid has never voted in a presidential primary -- one indicator he uses to determine a voter's likely partisanship. He also looks at a voter's family for clues. He said Eid appears to come from a mixed family that has voted for both parties.

For 2020, Grebner also looked at who voted in-person and who voted absentee, as his research has shown that Democrats were more likely to vote absentee and Republicans in-person.

For Eid, records show he voted in-person for 2020, which Grebner said he could have done so because "he believes in voting in-person, or that he believed that Donald Trump was right" about discouraging absentee votes.

Grebner found that Szetela voted in the Democratic presidential primaries in 2020 and 2016, and signed the Voters Not Politicians (VNP) petition that created the commission she sits on, as well as a marijuana petition.

"The Republicans got screwed by that draw," Grebner said."

I will take this time to again reiterate I am an independent and not affiliated with a political party. I have a spectrum of political beliefs that are in constant evolution, flux, and change. In every single general election that I've voted in, I have voted for both Republican and Democratic candidates (and sometimes third party) for various offices. One of my most ardent supporters on this Commission was a Republican—the late Commissioner, Douglas Clark.

5 Motives and effects:

These unfounded allegations have inflicted tangible harm on both my opportunities and reputation, adversely affecting my physical and mental well-being. As demonstrated earlier, these accusations are baseless and frivolous. Unfortunately, the submission of the Notice that includes false accusations based upon guilt by association fosters discord within the Commission, undermining its mission and standing with the public we serve.

Even if the Commission summarily rejects the Notice (as I expect and hope the Commission will), I don't expect to receive any apologies for the effects caused by the misinformation and inaccurate commentary that have become public since the Notice was filed.

I ask the Commission to reject the sort of behavior represented by the submission of the Notice. The Commission should firmly take a stand against this unfair treatment and avoid setting a precedent that encourages future Commissioners to sling false accusations against others. Take a stand for decency, duty and the Constitution. I have repeatedly stood up for the noble work of the Commission. Today I ask you to stand up for me. Let's dismiss this distraction and move forward together with the important work of the Commission.

Respectfully responding,

Anthony Eid

Commissioner Anthony Eid

Dated: February 1, 2024

EXHIBIT 2

SWORN STATEMENT OF ANTHONY EID

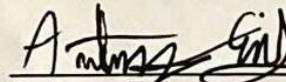
I, Anthony Eid, state all of the following:

1. I am a member of the Michigan Independent Citizens Redistricting Commission (the “**Commission**”).
2. On or about May 15, 2020, I submitted an application (the “**Application**”) to serve as a member of the Commission.
3. On or about August 17, 2020, I was selected as a member of the Commission.
4. At the time I submitted the Application I was, while a member of the Commission I continuously have been, and on the day I am signing this sworn statement (the “**Signing Day**”) I am, registered and eligible to vote in the State of Michigan.
5. During the period beginning six years before the day on which I submitted the Application and ending on the Signing Day, I have not been, and currently am not, any of the following:
 - (a) a declared candidate for partisan federal, state, or local office;
 - (b) an elected official to partisan federal, state, or local office;
 - (c) an officer or member of the governing body of a national, state, or local political party;
 - (d) a paid consultant or employee of a federal, state, or local elected official or political candidate, of a federal, state, or local political candidate’s campaign, or of a political action committee;
 - (e) an employee of the Michigan Legislature;
 - (f) registered as a lobbyist agent with the Michigan Bureau of Elections;
 - (g) an employee of any person registered as a lobbyist agent with the Michigan Bureau of Elections; or
 - (h) an unclassified state employee who is exempt from classification in state civil service pursuant to section 5 of article XI of the Michigan Constitution of 1963.
6. At the time I submitted the Application I was not, while a member of the Commission I have not been, and on the Signing Day I am not, a

Sworn Statement of Anthony Eid
Page 2 of 2

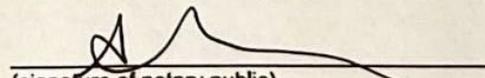
6. At the time I submitted the Application I was not, while a member of the Commission I have not been, and on the Signing Day I am not, a parent, stepparent, child, stepchild, or spouse of any individual disqualified under part (1)(b) of section 6 of article IV of the Michigan Constitution of 1963.
7. At the time I submitted the Application I was not, during my tenure as a member of the Commission I have not been, and on the Signing Day I am not, otherwise disqualified for appointed or elected office by the Michigan Constitution of 1963.
8. At the time I submitted the Application I was not, while a member of the Commission I have not been, and on the Signing Day I am not, affiliated with either the Michigan Democratic Party or the Michigan Republican Party.
9. While a member of a Commission, I have endeavored to perform my duties as a member of the Commission in a manner that is impartial and that reinforces public confidence in the redistricting process.
10. While a member of the Commission, I have not engaged in any activity, including drafting activity, intended to favor any member of, or candidate for, the Michigan House of Representatives or the Michigan Senate.

I declare under the penalties of perjury that this sworn statement has been examined by me and that its contents are true to the best of my information, knowledge, and belief.



Anthony Eid

Subscribed and sworn to before me on January 31, 2024.

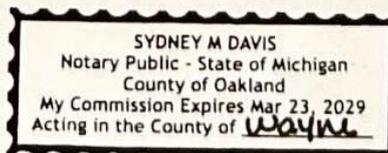


(signature of notary public)

My commission expires on: 3/23/29 Sydney M. Davis

(printed name of notary public)

Notary public, State of Michigan, County of Oakland . Acting in County of Wayne .



STATE CONSTITUTION (EXCERPT)
CONSTITUTION OF MICHIGAN OF 1963

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

Sec. 6. (1) An independent citizens redistricting commission for state legislative and congressional districts (hereinafter, the "commission") is hereby established as a permanent commission in the legislative branch. The commission shall consist of 13 commissioners. The commission shall adopt a redistricting plan for each of the following types of districts: state senate districts, state house of representative districts, and congressional districts. Each commissioner shall:

- (a) Be registered and eligible to vote in the State of Michigan;
- (b) Not currently be or in the past 6 years have been any of the following:
 - (i) A declared candidate for partisan federal, state, or local office;
 - (ii) An elected official to partisan federal, state, or local office;
 - (iii) An officer or member of the governing body of a national, state, or local political party;
 - (iv) A paid consultant or employee of a federal, state, or local elected official or political candidate, of a federal, state, or local political candidate's campaign, or of a political action committee;
 - (v) An employee of the legislature;
 - (vi) Any person who is registered as a lobbyist agent with the Michigan bureau of elections, or any employee of such person; or
 - (vii) An unclassified state employee who is exempt from classification in state civil service pursuant to article XI, section 5, except for employees of courts of record, employees of the state institutions of higher education, and persons in the armed forces of the state;
- (c) Not be a parent, stepparent, child, stepchild, or spouse of any individual disqualified under part (1)(b) of this section; or
- (d) Not be otherwise disqualified for appointed or elected office by this constitution.
- (e) For five years after the date of appointment, a commissioner is ineligible to hold a partisan elective office at the state, county, city, village, or township level in Michigan.

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

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

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

(ii) Require applicants to provide a completed application.

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

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

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

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

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

(ii) Randomly select 60 applicants from each pool of affiliating applicants and 80 applicants from the pool of non-affiliating applicants. 50% of each pool shall be populated from the qualifying applicants to such pool who returned an application mailed pursuant to part 2(a) or 2(b) of this section, provided, that if fewer than 30 qualifying applicants affiliated with a major party or fewer than 40 qualifying non-affiliating applicants have applied to serve on the commission in response to the random mailing, the balance of the pool shall be populated from the balance of qualifying applicants to that pool. The random selection process used by the

secretary of state to fill the selection pools shall use accepted statistical weighting methods to ensure that the pools, as closely as possible, mirror the geographic and demographic makeup of the state; and

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

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

(f) By September 1 of the year of the federal decennial census, the secretary of state shall randomly draw the names of four commissioners from each of the two pools of remaining applicants affiliating with a major party, and five commissioners from the pool of remaining non-affiliating applicants.

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

(a) Death or mental incapacity of the commissioner;

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

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

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

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

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

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

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

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

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

(9) After developing at least one proposed redistricting plan for each type of district, the commission shall publish the proposed redistricting plans and any data and supporting materials used to develop the plans. Each

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

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

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

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

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

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

(a) Districts shall be of equal population as mandated by the United States constitution, and shall comply with the voting rights act and other federal laws.

(b) Districts shall be geographically contiguous. Island areas are considered to be contiguous by land to the county of which they are a part.

(c) Districts shall reflect the state's diverse population and communities of interest. Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(d) Districts shall not provide a disproportionate advantage to any political party. A disproportionate advantage to a political party shall be determined using accepted measures of partisan fairness.

(e) Districts shall not favor or disfavor an incumbent elected official or a candidate.

(f) Districts shall reflect consideration of county, city, and township boundaries.

(g) Districts shall be reasonably compact.

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

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

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

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

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

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

the highest ranked plan a point value equal to the number of plans submitted.

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

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

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

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

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

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

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

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

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

History: Const. 1963, Art. IV, § 6, Eff. Jan. 1, 1964;—Am. Init., approved Nov. 6, 2018, Eff. Dec. 22, 2018.

Compiler's note: The constitutional amendment set out above was submitted to, and approved by, the electors as Proposal 18-2 at the November 6, 2018 general election. This amendment to the Constitution of Michigan of 1963 became effective December 22, 2018.

Constitutionality: The United States Supreme Court held in *Reynolds v Sims*, 377 US 533; 84 S Ct 1362; 12 L Ed 2d 506 (1964) that provisions establishing weighted land area-population formulae violate the Equal Protection Clause of the United States Constitution. Because the apportionment provisions of former art IV, §§ 2 - 6 are interdependent and not severable, the provisions are invalidated in their entirety and the Commission on Legislative Apportionment cannot survive. In re Apportionment of State Legislature—1982, 413 Mich 96; 321 NW2d 565 (1982), rehearing denied 413 Mich 149; 321 NW2d 585; stay denied 413 Mich 222; 321 NW2d 615, appeal dismissed 459 US 900; 103 S Ct 201; 74 L Ed 2d 161.

Transfer of powers: See MCL 16.132.