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MICRC

20240108-1000 Meeting

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>> Commission Chair Anthony Eid: Good morning, everyone. As chair of the commission, I call this meeting of the Michigan Independent Redistricting Commission to order at 10:01 a.m.

This is livestreamed on YouTube on the Michigan Independent Citizens Redistricting Commission YouTube channel. For anyone in the public preferring to use a different platform, please visit our social media at RedistrictingMI.

Our livestream today includes closed captioning. Closed captioning, ASL interpretation, as well as Spanish, Arabic, and Bengali translation services, will be provided for effective participation in this meeting. Please e-mail us at redistricting@michigan.gov for additional viewing options or details on accessing language translation services for this meeting. People who may have disabilities needing other specific accommodations should also contact redistricting@michigan.gov.

This meeting is being recorded and will be available at www.Michigan.gov/MICRC for viewing at a later date. This meeting is also being transcribed, and those closed caption transcripts will be made available and posted on the Michigan.gov/MICRC website, as well as written public comment submissions. There is also a public comment portal accessed by visiting Michigan.gov/MICRC.

Members of the media who have questions before, during, or after the meeting should direct those questions to Edward Woods, III, Executive Director of the Commission. He can be reached at woodsE3@michigan.gov.

We will move to roll call. For the public watching and the public record, I will turn to Department of State Staff to take note of the commissioners present.

>> Yvonne Young: Good morning, commissioners. Please say present when I call your name. If you are attending the meeting remotely, please announce during roll call that you're attending the meeting remotely; and unless your absence is due to military duty, announce your physical location by stating the county, city, township, or village and state from which you are attending the meeting remotely. I will begin roll call alphabetically with Commissioner Andrade.

>> Commissioner Elaine Andrade: Present from Imlay Township, Michigan.

>> Yvonne Young: Commissioner Callaghan.

>> Commissioner Elaine Callaghan: Present, attending remotely from Mexico.

>> Yvonne Young: Commissioner Curry.

Commissioner Eid.

>> Commission Chair Anthony Eid: Good morning, Ms. Young; present, remotely attending from Detroit, Michigan.

>> Yvonne Young: Commissioner Kellom.

Commissioner Lange.

>> Commissioner Rhonda Lange: Present, Osceola County, Michigan.

>> Yvonne Young: Commissioner Lett.

>> Commissioner Steve Lett: Present, attending from Lee County, Florida.

>> Yvonne Young: Commissioner Muldoon.

>> Commissioner Marcus Muldoon: Present from Carleton, Michigan.

>> Yvonne Young: Commissioner Orton.

>> Commissioner Cynthia Orton: Present, attending remotely from Battle Creek, Michigan.

>> Yvonne Young: Commissioner Szetela.

>> Commissioner Rebecca Szetela: Present, attending remotely from Oakland County, Michigan. Thanks.

>> Yvonne Young: (Laughing.)

>> Commissioner Rebecca Szetela: I need some coffee.

>> Yvonne Young: Commissioner Vallette.

>> Commissioner Janice Vallette: Present, attending remotely from Highland Township, Michigan.

>> Yvonne Young: Commissioner Wagner.

>> Commissioner Erin Wagner: Live from Charlotte Michigan.

>> Yvonne Young: Commissioner Weiss.

>> Commissioner Richard Weiss: Present and attending remotely from Saginaw Township, Saginaw, Michigan.

>> Yvonne Young: Mr. Chair, you have 11 commissioners present. You have a quorum, sir.

>> Commission Chair Anthony Eid: Thank you, Ms. Young.

>> Yvonne Young: You're welcome.

>> Commission Chair Anthony Eid: We will move to adopt the agenda. As a reminder to the public watching, you can view this morning's agenda at www.Michigan.gov/MICRC. I will entertain a motion to approve this morning's agenda.

>> Commissioner Steve Lett: So moved.

>> Commissioner Richard Weiss: Second.

>> Commission Chair Anthony Eid: We have a motion to approve by Commissioner Lett, seconded by Commissioner Weiss. Is there any discussion on this morning's agenda?

Seeing none, we will move to vote. All those in favor, raise your hand and say aye. Any opposed?

The ayes have it. The motion is adopted as is the agenda.

Next up is public comments. Without objection, we will begin the public comment portion pertaining to agenda topics of today's meeting. Is there any objection to moving on to public comment?

Hearing none, we will move on.

Individuals who have signed up and indicated they would like to provide live, remote public commentary to the commission will now be allowed. I will call your name and our staff will unmute you. If you're on a computer, you will be prompted Zoom to unmute and speak. If you're talking to us through the phone, a voice will say the host wants you to speak and prompt you to press star 6 to unmute. I will then call you by your name. Please note if you're experiencing technical or audio issues or we do not hear from you for three to five seconds, we will move onto the next speaker in line and return to you after they are done speaking. If your audio still does not work, e-mail redistricting@michigan.gov, and we will help you troubleshoot so you can participate during the next public comment period.

You will have 90 seconds to address the commission. Please conclude your remarks when you hear the timer. Today we have three speakers, the first of which being Mr. James Gallant.

>> James Gallant: Can you hear me now, Mr. Chair?

>> Commission Chair Anthony Eid: Good morning, Mr. Gallant. We can hear you.

>> James Gallant: Good morning, James Gallant. these are my opinions. Chairman Eid, as_x0016_a reminder, the status quo in Michigan of United States of America is Robert's Rules of Order as instructed to you by Mike Brady, legal director of services for Department of State. Please tell, is that the working copy of Robert's Rules of Order you had in your hand, looks like you opened it twice, that was issued to you by the state of Michigan by Mr. Brady in 2020? He said you must follow Robert's Rules. Did he give you a copy of the book? Now, you stated you were asked by some people not to follow the status quo. And you are clearly not following Robert's Rules of Order in many fronts. It appears a majority of the members here today are vulnerable adults under Michigan protection, adult protection laws, including Act 280 of 1939. So Chair Eid, you badgered and bully Commissioner Wagner yesterday and ruled her motion out of order when Mr. Fink clearly verified it was in order under the Michigan constitution. That's where the semblance of order starts with the Michigan constitution. Before that, U.S. Constitution, before that, common law or last 500 years. Please schedule that special meeting and a public hearing to review the rule and procedure, issue RFP for certified parliamentarian, review the commissioners' applications; because five members appeared to have submitted incomplete applications which is a fatal flaw for the members. You cannot answer choose not to answer. You can't leave it blank on the conflict of -- why do you or do you not affiliate with a political party? That is required conflict of interest? Commission is on the application that is conflict of interest. You are required to answer it. And Commissioner Lett, Commissioner Szetela, Commissioner Kellom said choose not to answer.

>> Commission Chair Anthony Eid: Thank you. Thank you, Mr. Gallant. We appreciate your comments and will keep that in mind.

Next up to speak is Ms. Mary Ann Fontana.

>> Mary Ann Fontana: Yes, hello.

>> Commission Chair Anthony Eid: Good morning.

>> Mary Ann Fontana: Good morning. So first of all, I did view in person and remotely many of the hearings that went on, on the House mapping so I just wanted to thank you and congratulate you in getting that job done.

Now, regarding the Senate maps, I live in Huntington Woods in district 8, but my comment is more broad. I feel like, was there somehow a comparison or making a statement that seem to equate Livonia as a community of interest? I just want to bring that to light, because looking at the mapping criteria, the ranking order, a county, city, or township would be considered ranked number six and not really community of interest, which ranks much higher on the scale.

I just want to make sure that the ranking order is really adhered to when you're looking at the state, redrawing the state maps also. That's it. Thank you so much.

>> Commission Chair Anthony Eid: Thank you, Mary.

The final person who signed up for public comment was Mr. Anthony Scannell.

>> Meghan Schaar: That participant is not present.

>> Commission Chair Anthony Eid: That concludes public comment. Please feel free to e-mail public comments to the commission at redistricting@michigan.gov. We appreciate everyone who offers public comment. and invite you to keep sharing your thoughts.

We will now move on to the business of the day.

First up on the agenda is item 5A, appeal to the U.S. Supreme Court. If there is no objection, I will ask local counsel Mr. Fink to facilitate this item. Is there any objection? I do not hear any objection. Mr. Fink -- nice background. Drafts tonight. Go, Lions. Please proceed.

>> Mr. David Fink: Thank you. Before Nate comes to this, I was inspired by Richard and want to give him credit, Richard Weiss. I'm sorry; go ahead, Nate.

>> Mr. Nate Fink: Good morning, commissioners. For this agenda, I would recommend that pursuant to the Commission's Rule of Procedure 6.2.5 that the commission go into closed session for the purpose of discussing the pending appeal to the United States Supreme Court in the Agee v. Benson matter and to discuss negotiations with the plaintiff's counsel in that case related to potential resolution of the plaintiff's attorney fee demand.

Under the Detroit News v. MICRC case from the Michigan Supreme Court, this is a permissible purpose for going into closed session to discuss this pending litigation. So I would recommend that the commission, someone make a motion to go into closed session for the purposes I just outlined.

>> Commissioner Steve Lett: I move we go into closed session for discussing the Agee case.

- >> Commissioner Cynthia Orton: I second that.
- >> Commission Chair Anthony Eid: There is a motion and second to enter into closed session to discuss the Agee case. Is there any discussion on the matter? Commissioner Lett, if you have anything, I will let you go first.
- >> Commissioner Steve Lett: Nothing further.
- >> Commission Chair Anthony Eid: Commissioner Wagner, I see your hand.
- >> Commissioner Erin Wagner: Yes, just to clarify with Mr. Fink the youngest, could you reiterate? Is this discussing Anthony's attorney fees?
- >> Nate Fink: No.
- >> Commissioner Erin Wagner: Thank you.
- >> Nate Fink: This is related to plaintiff demand for attorney fee in the Agee v. Benson matter.
- >> Commissioner Erin Wagner: Gotcha. Thank you.
- >> Commission Chair Anthony Eid: Commissioner Szetela?
- >> Commissioner Rebecca Szetela: No, I'm good. Thank you.
- >> Commission Chair Anthony Eid: Okay, is there any more discussion on the motion? All right, we have a motion again made by Commissioner Lett, seconded by commissioner Orton, to enter into closed session to address the Agee v. Benson case. All those in favor of the motion, please raise your hand and say aye.
- >> Aye.
- >> Meghan Schaar: You do need to take a roll call vote for this.
- >> Commission Chair Anthony Eid: Oh, that's right. Thank you, Ms. Schaar. Could we have a roll call vote, please?
- >> Meghan Schaar: Absolutely. Please indicate your vote with a yes or no. I will call commissioners' names in alphabetical order starting with Commissioner Andrade.
- >> Commissioner Elaine Andrade: Yes.
- >> Meghan Schaar: Commissioner Callaghan?
- >> Commissioner Donna Callaghan: Yes.
- >> Meghan Schaar: Commissioner Eid?
- >> Commission Chair Anthony Eid: Yes.
- >> Meghan Schaar: Commissioner Lange?
- >> Commissioner Lange: Nope.
- >> Meghan Schaar: Commissioner Lett.
- >> Commissioner Steve Lett: Yes.
- >> Meghan Schaar: Commissioner Muldoon?
- >> Commissioner Marcus Muldoon: Yes.
- >> Meghan Schaar: Commissioner Orton?
- >> Commissioner Cynthia Orton: Yes.
- >> Meghan Schaar: Commissioner Szetela?
- >> Commissioner Rebecca Szetela: No.

- >> Meghan Schaar: Commissioner Vallette?
- >> Commissioner Janice Vallette: Yes.
- >> Meghan Schaar: Commissioner Wagner?
- >> Commissioner Erin Wagner: Yes.
- >> Meghan Schaar: Commissioner Weiss?
- >> Commissioner Richard Weiss: Yes.
- >> Meghan Schaar: With a vote of 9-2, the motion passes.
- >> Commission Chair Anthony Eid: Okay, we will move to close session. Please, everybody, check your e-mails to a link to the closed session. We will enter back into this Zoom webinar when we are concluded.
(A closed session meeting was held.)
- >> Commission Chair Anthony Eid: All right, welcome back, everybody. As chair of the Commission, I call this open session of the Michigan Independent Citizens Redistricting Commission back to order at 11:44 a.m.
We are still on item for consideration: appeal to the U.S. Supreme Court. I will entertain any motions regarding this matter at this time.
(overlapping conversation)
- >> Can we take roll?
- >> Commission Chair Anthony Eid: Getting ahead of myself a little bit. How about this? All right, for the third time today, Department of State, can we have a roll call, please?
- >> Yvonne Young: Absolutely, Mr. Chair. Please say present and if your location has changed, please share that information as I call roll. I will begin alphabetically with Commissioner Andrade.
- >> Commissioner Elaine Andrade: Present.
- >> Commissioner Callaghan.
- >> Commissioner Donna Callaghan: Present.
- >> Yvonne Young: Commissioner Curry.
Commissioner Eid.
- >> Commission Chair Anthony Eid: Present.
- >> Yvonne Young: Commissioner Kellom.
Commissioner Lange.
- >> Commissioner Rhonda Lange: Present.
- >> Yvonne Young: Commissioner Lett --
- >> Janice: Present -- oh, I'm sorry. Out of turn.
- >> Yvonne Young: That's okay. Commissioner Lett?
- >> Commissioner Steve Lett: Present.
- >> Yvonne Young: Thank you. Commissioner Muldoon?
- >> Commissioner Marcus Muldoon: Present.
- >> Yvonne Young: Commissioner Orton?
- >> Commissioner Cynthia Orton: Present.

>> Yvonne Young: Commissioner Szetela. Commissioner Vallette.

Thank you. Gotcha. Commissioner Vallette?

>> Commissioner Janice Vallette: Present.

>> Yvonne Young: Commissioner Wagner.

>> Commissioner Erin Wagner: Finally here.

>> Yvonne Young: Commissioner Weiss.

>> Commissioner Richard Weiss: Present.

>> Yvonne Young: Mr. Chair, you have 11 commissioners present. You have a quorum.

>> Commission Chair Anthony Eid: Thank you, Ms. Young.

>> Yvonne Young: You're welcome.

>> Commission Chair Anthony Eid: All right. As I was saying before I jumped ahead, we are still on items for consideration, appeal to the U.S. Supreme Court. Are there any motions on this matter? I would entertain them at this time. Commissioner Lett, I see your hand.

>> Commissioner Steve Lett: Yes, I would move that the Commission approve the settlement on the Agee case, and if there is a second, I will speak to it.

>> Commissioner Richard Weiss: Second.

>> Commission Chair Anthony Eid: We have a motion by Commissioner Lett and seconded by Commissioner Weiss to enter in a settlement agreement on the Agee v. Benson case. Is that correct, Mr. Lett?

>> Commissioner Steve Lett: That is correct, and at this point, I would turn it over to Attorney David Fink for an explanation of the settlement.

>> Attorney David Fink: Thank you, Commissioner. To be clear, the settlement we're speaking of is a settlement related to claims by the plaintiffs for costs and attorney fees. As explained in closed session, the legal process, when a constitutional claim is decided, incorporates a claim by the prevailing party for attorney fees to be paid by the opposing party, reasonable attorneys' fees and expenses.

In this case, the plaintiffs, having prevailed on the initial constitutional claim, have a right to seek from the three-judge panel an award of reasonable attorney fees and expenses. It is not unusual to try to work that out. If we cannot work it out, that matter is litigated in the court; and when it's litigated, the commission would incur the cost of that litigation and may incur, in addition, the costs incurred by the opposing party in, again, prevailing in that matter. So let me get down to some basics here. Attorney fees that would be sought by the plaintiffs as they have explained it to us -- at least the total amount they have incurred and that we presume they would seek from the Court -- together with their expenses and those expenses include the amounts paid to their experts -- Lockerbie and Trende. The gross total of all of that would be 24017 thousand dollars. So just over \$2.4 million.

We have reached a tentative agreement which is, of course, subject to approval by the commission. We have reached a tentative agreement whereby the attorney fees sought,

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which come to \$2.174 million, the attorney fees would be reduced across the board by 30% regarding the litigation expenses have been identified other than the expert fees, we would pay those in full. Those come to \$47,681.

But regarding the expert fees, the fees incurred related to Sean Trende for work done in 2024 of \$32,000 would not be paid by the Commission.

Now, in addition to that part of the agreement, we also reached a very important tentative agreement that for the further work that the Commission will be doing regarding the Senate plan, any claim that will be made by the plaintiffs for that work to the extent that that work involves monitoring, evaluation, review during this what we call remedial phase; while we will not object to an attorney fee being awarded, that fee will be limited -- and they have agreed to this if we reach an agreement -- that fee will be limited to \$100,000 up to one day after the plan, the final plan, is submitted to the Court by the Commission.

From that date forward, if the plaintiffs pursue an objection, we have reached an agreement that if the objection is rejected by the Court, they will not seek, and we will not pay, any attorney fee.

If the objection is accepted in part by the Court -- or in full -- if the objection is accepted by the Court -- so it changes the outcome -- if that occurs, we have agreed that we will pay reasonable fees related to only the objection itself and then only for work done on or after 24 hours after the Commission submits the final senate plan to the Court.

Now, in gross terms, I can tell you that their total claim would be for that roughly \$2.4 million plus whatever they might be seeking later, based on what happens on the Senate plan.

The settlement would provide instead of \$2.4 million; the Commission would pay a total of \$1,717,369, plus ultimately no more than \$100,000 for the remedial work in the Senate plan and then the objection is a separate issue. Of

So that's the total package. There is a condition that the commission also dismiss its appeal -- and of course waive any right to object to these particular fees.

Of course, the Commission has other reasons to consider whether to pursue or dismiss the appeal, but this is one more factor and something that has to be considered when the settlement, if the settlement is reached.

That doesn't mean we can't still argue about and reach an agreement regarding the fees, but if the Commission decides to dismiss the appeal, then at one time you can resolve the appeal issue AND resolve this roughly \$700,000 difference offered in this settlement.

Does anybody have any questions? I'm happy to respond.

>> Commission Chair Anthony Eid: Are there any questions for Mr. Fink?

Okay. Is there any discussion on the motion?

>> Attorney David Fink: Mr. Chair, I should have added one more detail. I apologize.

>> Commission Chair Anthony Eid: Go ahead.

>> Attorney David Fink: If you vote to proceed with it, first we will enter into a slightly more detailed stipulation with plaintiffs' counsel and then that will be submitted to the Court for approval. If it is approved, then we have agreed to pay within 90 days; and if payment is not made within 90 days, statutory interest will accrue thereafter, post-judgment interest, if we aren't able to pay in 90 days. I'm sorry; I should have said that before. That's the total settlement proposal.

>> Commission Chair Anthony Eid: Thank you. To me -- I guess I'll say something -- this is quite a substantial savings. I was not expecting, you know, this much so I appreciate the work that the legal team has been doing. We're looking at a savings of about, at least initially, about \$650,000 today; but it also saves a lot of money in future litigation both by eliminating any fees for the Senate maps to a certain amount and not litigate it further. When you add it up, it is quite a substantial savings, so I would be in support of this, and we can open up to further discussion. I see your hand, Commissioner Wagner.

>> Commissioner Erin Wagner: I move we accept as presented.

>> Commission Chair Anthony Eid: Yeah, there's already a motion and a second. So we're in discussion right now, and after discussion is over, we will be voting. Is there any more discussion?

All right. We will now vote since discussion is over, and I will ask for a roll call vote on this matter.

>> Yvonne Young: Certainly, Mr. Chair. The motion made by Commissioner Lett move that the Commission enter into settlement agreement on the Agee case, seconded by Commissioner Weiss.

When I call your name, please say yes or no for your vote. I will begin alphabetically with Commissioner Callaghan.

>> Commissioner Donna Callaghan: Yes.

>> Yvonne Young: Commissioner Eid.

>> Commission Chair Anthony Eid: Yes.

>> Yvonne Young: Commissioner Lange.

>> Commissioner Rhonda Lange: Yes.

>> Yvonne Young: Commissioner Lett?

>> Commissioner Steve Lett: Yes.

>> Yvonne Young: Commissioner Muldoon?

>> Commissioner Marcus Muldoon: Yes.

>> Yvonne Young: Commissioner Orton?

>> Commissioner Cynthia Orton: Yes.

>> Yvonne Young: Commissioner Szetela?

>> Commissioner Rebecca Szetela: Yes.

>> Yvonne Young: Commissioner Vallette?

>> Commissioner Janice Vallette: Yes.

>> Yvonne Young: Commissioner Wagner?

>> Commissioner Erin Wagner: Yes.

>> Yvonne Young: Commissioner Weiss.

>> Commissioner Richard Weiss: Yes.

>> Yvonne Young: Commissioner Andrade.

>> Commissioner Elaine Andrade: Yes.

>> Yvonne Young: Mr. Chair, 11 yes; the motion carries.

>> Commission Chair Anthony Eid: Thank you, Ms. Young.

>> Yvonne Young: You're welcome.

>> Commission Chair Anthony Eid: Are there any more motions on this matter?
Commissioner Lett?

>> Commissioner Steve Lett: Yes, at this time, I would move that the Commission dismiss the pending appeal and the United States Supreme Court in the Agee matter.

>> Commissioner Richard Weiss: Second.

>> Commission Chair Anthony Eid: All right, we have a motion by Commissioner Lett, seconded by Commissioner Weiss. The motion is to dismiss the appeal at the U.S. Supreme Court in the Agee v. Benson case; is that correct, commissioner Lett?

>> Commissioner Steve Lett: That's correct.

>> Commission Chair Anthony Eid: All right. It has been motioned and seconded; we will move on to suggestion. Is there any discussion on this? Commissioner Lett, your hand is still up.

No longer.

Commissioner Lange?

>> Commissioner Rhonda Lange: I was against the appeal from the beginning; I think we should do it and make right what was wrong.

>> Commission Chair Anthony Eid: I'll add my two cents. I obviously voted to do the appeal in the beginning, and I think at that time it was the right move. I think today we are in a much different position. We have had a remedial House plan that has been accepted by the Court, and we have a road map in order to get the Senate plan right. So, you know, at that time I voted to appeal, and you will see how I vote now; but that's my two cents on the matter.

Commissioner Szetela, I see your hand.

>> Commissioner Rebecca Szetela: Yeah. I would concur with Commissioner Lange. I don't think we should have appealed and am happy we're voting to dismiss the appeal at this point, and I think the ultimate outcome of this process was truth we could have drawn the map without taking race into account and still accounted for partisan fairness and we're about to prove it again on the map. Thanks.

>> Commission Chair Anthony Eid: Thank you, Commissioner Szetela. Is there any more discussion on the motion? Hearing none, we will move to vote. I will once again ask for a roll call vote on this matter.

- >> Yvonne Young: Certainly, Mr. Chair. The motion before you by Commissioner Lett moved that the Commission dismiss the appeal at the U.S. Supreme Court to Agee v. Benson case. Did I get that right, Commissioner Lett?
- >> Commissioner Steve Lett: Yes.
- >> Yvonne Young: Thank you. A yes vote is in favor and no vote is you are not in favor. I will begin with Commissioner Eid.
- >> Commission Chair Anthony Eid: Yes.
- >> Yvonne Young: Commissioner Lange.
- >> Commissioner Rhonda Lange: Yes.
- >> Yvonne Young: Commissioner Lett.
- >> Commissioner Steve Lett: Yes.
- >> Yvonne Young: Commissioner Muldoon?
- >> Commissioner Marcus Muldoon: Yes.
- >> Yvonne Young: Commissioner Orton.
- >> Commissioner Cynthia Orton: Yes.
- >> Yvonne Young: Commissioner Szetela?
- >> Commissioner Rebecca Szetela: Yes.
- >> Yvonne Young: Commissioner Vallette.
- >> Yvonne Young: Commissioner Janice Vallette: Yes.
- >> Yvonne Young: Commissioner Wagner.
- >> Commissioner Erin Wagner: Yes.
- >> Yvonne Young: Commissioner Weiss.
- >> Commissioner Richard Weiss: Yes.
- >> Yvonne Young: Commissioner Andrade.
- >> Commissioner Elaine Andrade: Yes.
- >> Yvonne Young: Commissioner Callaghan.
- >> Commissioner Donna Callaghan: Yes.
- >> Yvonne Young: Mr. Chair, 11 yes votes; the motion carries.
- >> Commission Chair Anthony Eid: Thank you, Ms. Young.
- >> Yvonne Young: You're welcome.
- >> Commission Chair Anthony Eid: Commissioner Lett, I see your hand.
- >> Commissioner Steve Lett: Yes. I see that Attorney Ralle is still online. Do you still need anything?
- >> Richard Ralle: No, you have clarified everything.
- >> Commissioner Steve Lett: Thank you for this work you have done up to this date. Thank you.
- >> Commission Chair Anthony Eid: All right. That ends item for consideration. We will now move on -- we have about an hour left today. We will move on to the next item on the agenda, which is mapping. Without objection, I will ask the commission to continue

the mapping process with the ruling procedure and adopted mapping process and procedures. Is there any objection?

Hearing none, we will move forward with mapping. Close to the end of the day yesterday, there was a motion for Commissioner Wagner to go first today, so we will start with her. Commissioner Wagner, the floor is yours. I believe we have -- yep, I see you now, Mr. Morgan. Please feel free to facilitate Commissioner Wagner's needs.

>> John Morgan: Okay. I'm here.

>> Commissioner Erin Wagner: Thank you, John. Did you have a chance to import that into your program?

>> John Morgan: So this is the map from Mr. Scannell? Is that what you're talking about?

>> Commissioner Erin Wagner: Correct.

>> John Morgan: Okay; yes.

>> Commissioner Erin Wagner: Thank you.

>> John Morgan: So if I can, let me bring that up. This was received from Commissioner Szetela. If I can ask Commissioner Wagner or Commissioner Szetela to confirm to me this is generally what you expect to see as far as the district shapes.

>> Commissioner Erin Wagner: Rebecca, are you still on?

>> Commission Chair Anthony Eid: I'll pull it up to make sure.

>> Commissioner Rhonda Lange: I think so.

>> John Morgan: Okay. Thank you. This is the file that Commissioner Szetela sent to me, so I uploaded that into the program.

>> Commissioner Donna Callaghan: Can we change the color of Districts 2 and 6? They look to be the same.

>> John Morgan: Okay.

>> Commissioner Erin Wagner: John Morgan, can you pull up -- because I know Rebecca ran analysis -- can you pull up partisan fairness and all of that stuff for us, please, so we can see what that is on this, as is, please?

>> John Morgan: Okay. So I'll run the partisan fairness report for you.

Okay, this is the partisan fairness report using the updated 2022 numbers. The top line numbers, the lopsided margins is Republican, 6.1. The mean/median difference is Republican 3.3. The efficiency gap is Republican 4.6. And the seeds ratio is 20 Democrat seats and 18 Republican seats with the bias of 0.2 in favor of Republicans.

>> Commissioner Erin Wagner: Can we go back to the actual map, please, John.

>> John Morgan: Okay.

>> Commissioner Erin Wagner: Thank you. Personally, those numbers, I wasn't very happy with them; so any ideas?

>> Commission Chair Anthony Eid: How many districts does this change? That's always kind of the question I ask first to get --

(Overlapping conversation.)

>> Commissioner Erin Wagner: I was trying to get him online. It is only -- and I don't know if he is listening, because I had it written down -- the ones we had to change plus two more districts, which.

>> Commission Chair Anthony Eid: Looks like 2 and 7.

>> Commissioner Erin Wagner: Yeah, I can't remember exactly, because that's on a different thing and out.

>> Commission Chair Anthony Eid: Commissioner Orton?

>> Commissioner Cynthia Orton: Could we see an overlay of Linden on this map?

>> John Morgan: Yes, I can pull that up.

>> Commissioner Erin Wagner: Rhonda, while we're waiting, why don't you say what you're going to say because I will forget by the time they get to me.

>> Commission Chair Anthony Eid: Go ahead, Commissioner Lange.

>> Commissioner Rhonda Lange: Write it down, Commissioner Wagner. A couple of things about the map. I like the fact that it maintained the lake shore area, the St. Clair Shores area. There was a comment about that yesterday when those started to be split up; the Grosse Pointes, which in the House maps, the Grosse Pointes were split and was said, well, we kept them together in the Senate so I think that is pretty important for a community of interest. The lake shore is important for a community of interest.

It still searches a little stretched out in the Detroit area for what I would like, but I'm not from the Detroit area, so maybe somebody else would be able to look at that. And the Livonia, again, we have had public comment repeated about that -- and I know we had public comment this morning stating that that would be considered a county/city/township, and I have to disagree. A community of interest is any area that shares an interest in the community, and we have certain areas kept whole with a whole city or whatever, so I think that's up to the Commission to decide.

One other thing that I would do, which I mentioned yesterday, is I would maybe look at 8 and 9 in that area. I really think that the Commission should do a community of interest for the Jewish community that submitted, especially since that particular community was not represented in the House maps, nor the Congressional. So that is just my two thoughts, but I know Mr. Scannell is very familiar with the area, and I'm sure there was very specific reasons he did what he did. So, you know, I'm going to say kudos to Mr. Scannell for following us and giving us input and keeping us on our toes.

>> Commission Chair Anthony Eid: Commissioner Wagner?

>> Commissioner Erin Wagner: Absolutely agree with you on that, Commissioner Lange. I remember my question. Originally, the whole reason I opted to go with EDS was due to the QR code being available. Then the public could use the QR code and comment in lifetime for us. Originally when I asked our last general counsel the question, I was told it was because Ms. Duchin was involved. Now that she is no longer involved, can we possibly use QR codes with this so they can actually comment in lifetime?

>> John Morgan: I don't know if that question is directed to me exactly, but there may be a way to do that. When a plan is uploaded, there is a QR code that is generated, but I don't know about the live QR code discussion that you're talking act; like if we were working on a map here, I don't know if that would allow you to scan a QR code and then comment on a map that's actively being worked on.

>> Commissioner Erin Wagner: So false advertising, then, John.

>> John Morgan: Oh, no, there's something, too.

>> Commissioner Erin Wagner: That's how it envisioned it is the public would actually go, "Hey, okay, here we go," and comment directly and would see those live. So thank you.

>> John Morgan: To be clear, I don't know. That's not something I have worked with directly but do know when I upload a plan, there is a QR code generated that I can see when we upload it.

>> Commissioner Erin Wagner: Right. Just for -- I will say kicks and giggles -- I don't know who does your programming or EDS software, Audubon does -- you may want to end corporate them in the future. And I will be quiet now. Thank you.

>> Commission Chair Anthony Eid: MDOS. I see a hand up.

>> Meghan Schaar: I was going to clarify for the record and Commissioner Wagner the public comment portal is still run by Moon Duchin. It is open and available for the public to comment on but sounds like you also received the answer you needed from Mr. Morgan, so I just wanted to clarify that.

>> Commission Chair Anthony Eid: That mapping portal or the public portal, is open now and has been open for the past. www.Michigan-mapping.org.

At that portal, you can submit written public comment to us and can include a map just like how Mr. Scannell did, and that's what we're looking at right now.

Commissioner Lett?

>> Commissioner Steve Lett: Thank you, Mr. Chairman. This is the first that I have seen this Scannell map and assume most of us, this is the first time we have seen it. I don't like anything about it. It looks like it raises gerrymandering to a whole new level. The populations are out of whack, and the partisan fairness numbers are worse than the, what we have been doing during the meetings. I don't just think this deserves any consideration on our part.

>> Commissioner Steve Lett: Thank you, Commissioner Lett.
Commissioner Wagner.

>> Commissioner Erin Wagner: I find that interesting, but I am going to work on this so y'all can go about doing whatever you're going to do. It's my 36th_x0016_ anniversary. I'm dipping the meeting. Y'all have a good one.

>> Commission Chair Anthony Eid: Congratulations on the anniversary, Ms. Wagner. You know, we can work on it now together if you'd like. I would be more than happy to help you change anything you'd like to change. You know, my opinions aren't strong

either way. I like how District 2 looks a little bit, but, you know, I think any map there are some good ideas we can take from it and maybe not-so-good ideas so if you want -- I don't know, did she leave already? All right.

I'll take a stab at it.

>> John Morgan: Would you like me to make a copy of this map?

>> Commission Chair Anthony Eid: Well, it was Commissioner Wagner's turn so I'm kind of trying -- you know, I can't read her mind. I don't know what she wanted to change or not change.

>> Yvonne Young: Commissioner Chair, Ms. Wagner is no longer on the call.

>> Commission Chair Anthony Eid: Okay. I will say, you know, the comment about it was referenced if a township or a city or a county of the community of interest -- and my two cents, how we have been doing this so far, is because that is explicitly lower on the list of constitutional criteria; to me, it takes more than just saying, "Oh, I'm from any county," to make a community of interest.

A good example for me is the lake shore in District 12. Well, that's a whole lake shore. To me, something like that is certainly a community of interest so instead of focusing on a township or county, I recommend folks tell us about WHY their community is a community of interest; what makes that so? Is there a certain identity of some sort or some kind of fabric that weaves the community together? With that said, I do like the proposals we have so far that do make Livonia whole but do not consider just it being Livonia in itself to be a community of interest. That's just what I think about that.

Commissioner Callaghan?

>> Commissioner Donna Callaghan: I will make a comment back to what you said there. To me, we have a list of seven criteria and township, county lines, and what not, was at least important enough to make it into the constitution.

Now, it's not the most important criteria, which is why it's listed where it's listed, but it is one of the important constitutional criteria, so we have to think about it.

I think if we have to violate a community of interest to accommodate a town or county line, then obviously the community of interest takes precedent; but accommodates townships, counties, that's in the constitution, so there is some level of importance. We can't dismiss it as "It's last on the list, we don't care," because we need to care about that. I say accommodate it when we can as long as other things are being taken care of as well.

>> Commission Chair Anthony Eid: Agreed. I think you said it better than I did.

So what do we want to do with this? We have this map up, you know, at Commissioner Wagner's request. Does anyone want to try to make some changes to it to maybe, you know, Commissioner Lett had some advice about it. Do we want to keep going? Do we want to move on? It's a collaborative process so I want to make sure we're being collaborative. Commissioner Callaghan, I see your hand.

>> Commissioner Donna Callaghan: I would like Commissioner Lett to see what he thinks about gerrymandering because the partisan numbers on the map is pretty bad. Where does he recommend we make changes to see if we can improve on partisan fairness.

>> Commissioner Steve Lett: I would decline to do that because I have not looked at in the map other than right now, and I think that collaboratively drawn maps, that's what the 13 of us are to do so if someone wants to say this is the best thing since sliced bread with a few tweaks, let them; but it's not what we want to deal with. I would much rather do our own mapping.

>> Commission Chair Anthony Eid: Commissioner Orton?

>> Commissioner Cynthia Orton: Yeah. Oh. I was going to suggest -- I almost forgot -- maybe if there are certain areas or the whole map that Mr. Scannell has certain reasons why he drew it this way, as far as I know it was e-mailed to us. I haven't seen a submission on the public comment portal about it. He could do either thing and explain some of the reasons it looks the way it does if he wants us to consider things or whatever. Anyway, an explanation would be helpful, probably.

>> Commission Chair Anthony Eid: Commissioner Lange, I see your hand.

>> Commissioner Rhonda Lange: At this point, it's uploaded. The public can comment on it, I would think, if they choose to. I know they had a ton. I apologize, just a moment. They have a ton of comments, actually, online on Dave's redistricting regarding this one if anybody actually went and looked at it. The entire state is covered with cream dots, actually, so that was something.

Commissioner Wagner brought it forward, and it was her right to bring it forward. If nobody wants to work on it, I would say save it and Commissioner Wagner, if she so chooses, can bring it forward again if she wants to do work on it; or if Mr. Scannell wants to submit some reasoning and it does compel another commissioner to want to take a second look, then we still have that option so I would still say save it.

>> Commission Chair Anthony Eid: Mr. Morgan?

>> John Morgan: Yes, just to be clear, at this point I have uploaded this into my program, and I have not been directed to upload it to the portal. It may exist in another portion of the portal or may exist in another public forum; but at this time I haven't been directed to upload this as a product of the Commission to the portal.

>> Commission Chair Anthony Eid: How about we fix these population numbers? That's something we can do.

>> John Morgan: Would you like me to copy this and then make those changes?

>> Commission Chair Anthony Eid: I don't think it needs a copy; I think we can just do it. I mean, it needs to have a good population. They're a little off whack but don't think any major changes are needed. Does anybody else want a copy?

>> John Morgan: I guess from my point of view, even if you make minor changes, I can save the original one as it came to us in its original form. That's the reason I suggest making a copy.

>> Commission Chair Anthony Eid: Would it be easier for you that way?

>> John Morgan: It would.

>> Commission Chair Anthony Eid: Then we can do that; sure.

>> John Morgan: Okay. It retains the same name but with today's date on it, and then we have any changes you make to it will be saved in a new version of this.

>> Commission Chair Anthony Eid: Yeah. Commissioner Lange says if Commissioner Wagner wants to work at it further, she is welcome to on her next turn. Where is the population out of whack?

>> John Morgan: The only one that jumps right out is District 1 is -3.04; and looking through the other districts that were changed, I don't see any of them outside of the plus or minus 2.5%.

>> Commission Chair Anthony Eid: Okay, so we're between 1 and 2, then?

>> John Morgan: 1 and whatever you choose. 2 has an overage; other adjacent districts could be used if you wanted to.

>> Commission Chair Anthony Eid: Yeah, it seems like it would be easiest to just normal -- if we got, if we normalize that -8,000 and that positive 4,000 a bit, I think that would bring them both into compliance.

>> John Morgan: Okay, so just to recap, looking at district 1, a portion of Taylor, a portion of Allen Park, all of Lincoln Park, all of Ecorse, all of River Rouge and a portion of Detroit. It does not look like it includes Dearborn and District 2 does include these portions of Detroit here, here, and along the north side. So it looks like three precincts in this area of Detroit in District 2.

>> Commission Chair Anthony Eid: All right,, and I don't want to change the reasoning for this map too much because I don't know the reasoning -- again, I don't know what commissioner Wagner wants to do with it. I don't think it would be changing it too much to add those two precincts that are outside of Dearborn back into District 1.

>> John Morgan: I will put the population on for the precincts. So these 4,500, 3,800, two precincts here -- let me reverse that. One precinct, 3,700, which you potentially could have to 1; and then these are two other precincts, 1,300 and 3,600. So some combination of those three would resolve the population disparity.

>> Commission Chair Anthony Eid: All right. Let's do it.

>> John Morgan: Which first?

>> Commission Chair Anthony Eid: I mean, it doesn't really matter. Do the northeastern portion.

>> John Morgan: Okay, that's in district 38, which doesn't help us. Let's try that again.

>> Commission Chair Anthony Eid: Where was this -- was this made on District R or Day Redistricter?

>> John Morgan: My understanding is Days Redistricter and Commissioner Szetela took the images of that and brought it into Audubon.

>> Commission Chair Anthony Eid: I see. Can you speak a little bit real quick about some of the differences between Day Redistricter and Audubon and District R that we have on the mapping portal? Then we'll turn it to Mr. Fink.

>> John Morgan: Okay. Whoops; let me do something here. Am I still screen-sharing or not?

>> Commission Chair Anthony Eid: No. You're not screen sharing.

>> John Morgan: One second. Okay. I took my hand down so -- all right. So my understanding, as it relates to Days Redistricting and dealing with bringing things in Audubon, if you take an entire shape file from Day Redistricting, there are some issues, particularly in the out areas of the state where the days redistricting shape files don't easily align with the Census geography that Audubon is using.

So there are some workarounds to that. You can basically run it through another program to run those changes and can bring it across; or you can do what Commissioner Szetela did, which is, you know, she took the images that were generated, I believe, or maybe part of the shape file and just brought in those areas in the Detroit area, and my experience, those areas do not have geographical issues going from Days into Audubon.

>> Commission Chair Anthony Eid: Thank you for that information. That certainly helps. Mr. Fink, I see your hand as well?

>> Thank you, Mr. Chairman. I mentioned yesterday the fact that commission could certainly bring in the map. Looking at it but, you know, keep in mind we don't know how the map was drawn or what was used in the drawing of it. Representations as to what the drawing was. None of us were there when it was drawn. I just want to make an overall comment, which is we have a limited amount of time in this redraw process and, um, well, you know, take a map like this that was drawn on the outside and see if you can make it better. Just try to keep in mind we have a limited amount of time and the maps that start, that are organic in drawing from the commission and don't start with an outside map that was drawn by an individual or group may be a more efficient use of time to focus on that latter group rather than a map that was drawn by an outside person or group. I just want to make that comment.

>> CHAIR EID: Thank you.

Okay. They are in compliance now.

>> Don't take this additional precinct then? You took the two here, then this is an additional one. You could if you want to.

>> JOHN MORGAN: I didn't make this. The plan is saved with today's date and Anthony Scannel. If I may, um, the typical procedure is, if there's a complete plan at the end of the day, I would generally upload that to the portal. I don't know if that's something you want me to do with this particular plan or not?

>> CHAIR EID: Oh, I'm not sure. Commissioner Wagner brought this in, and she is no longer here. Um

>> JOHN MORGAN: In our naming convention, we identify the date, type of plan and COL for collaborative and various numbers and a flower or other name. In this case, it does not say it is a collaborative map at this time.

>> CHAIR EID: Yeah. Let's just wait until she returns.

>> JOHN MORGAN: Okay.

>> CHAIR EID: When she returns, we will ask what she wants to do with it on the next turn and go from there.

>> JOHN MORGAN: Okay.

>> CHAIR EID: All right. It has been a long morning and we have not had any breaks yet. I'm going to say we end mapping for today. We will return to mapping in the afternoon with Commissioner Curry. We have some more business to take care of. We first have minutes to adopt.

Next on the agenda is approval of minutes from April 18th. These minutes have been provided to the commission before this meeting and are posted on our website. Are there any edits to these minutes? If not, we can go ahead and approve them. Let's have a motion first to approve the minutes. Is there any motions?

>> COMMISSIONER LETT: I move to approve the minutes.

>> Second.

>> CHAIR EID: Okay. We have a motion by Commissioner Lett and a second by commissioner Weiss to approve the minutes. Commissioner Lett you didn't say this, but I assume for April 18th. Correct.

>> COMMISSIONER LETT: Yes.

>> CHAIR EID: The motion is to approve the minutes from April 18th. Are there any discussions pertaining to the minutes including any edits anyone would like to make? Seeing none, we'll move to vote. All those in favor of adopting the minutes from April 18, please raise your hand and say aye.

>> Aye.

>> CHAIR EID: Any opposed? The ayes have it. The minutes from April 18 are adopted. We also have an executive -- excuse me. Talking a lot the past couple days. My voice is getting a little raspy. There is an Executive Director's report. I'll see if executive director woods will provide the report. Is there any objections excused? Seeing none, Mr. Woods, the floor is yours.

>> Thank you. A few things. Really want to focus on the website so people have an idea of what's going on with the website and want to share with you some statistics as well. I shared with you before there was the hyperlink in the documents. Chris tin and I have gone through with that and met with the team at MDOS and what is happening is if the hyperlinks, I believe, is after May of 2023, any document prior to that, if it's a hyperlink in the minutes, a hyperlink in the agenda, even a hyperlink in the orientation

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materials, when the commission was first started would have to be updated in order for it to work properly once they convert to a new platform in July. Just say hypothetically it says in the minutes, complete and live inventory of our comments can be available at the meeting materials. The hyperlink would not work unless we go in and update each and every individual hyperlink. What we are doing right now is going through the materials to identify how this will impact the commission but just really wanted to bring it to your attention because it is due in July if we have to go back and update each individual link with regards to that process. That is obviously a concern. We had our first meeting with our public vendors this week on Tuesday with regards to promoting our upcoming public hearing in May as well as our virtual public hearings that we are going to do in May and June. Also, as well as the public hearings in June that will be in person. If you have any ideas they are going to submit ideas by tomorrow with regards to the website. We want to make sure the front page is user friendly and what we can provide information materials on that front page. If you have ideas, please feel free to e-mail to me and share. Redistricting 301 and public hearing flyer will be on the site today. We updated prior to the hyperlink so people can go to the form to automatically sign and make it more user friendly and provide public comment either in person or remote. The public hearing flyer is there. Working with the Michigan Press Association as well as the Michigan Association of broadcasters that provide discounts to get the word out for May public hearings as you know will take place starting a week from Tuesday. It will be here faster than we think where the public can come and bring their community of interest or comments on a particular map that the commission has drawn and provide feedback.

This is a website, so you have it. I wanted to focus on websites for this presentation. In January, we had 26,100 page views. The final district maps were 28%. If you remember in December we got The Court order with regards to the AG case, the commission website, which is the generic home page got 20% and the meeting materials were 19%. In December, the highest regions, I repeat the highest regions looking obviously were Michigan, overwhelmingly. Also Virginia, Florida, Illinois and New York. In December, it was Michigan, Washington, Wyoming, Virginia and Texas. Just kind of wanted to share with you who is looking at the website. It's not even close, the predominant groups are always in-house. Just letting you know what states are looking. This was in January. In February, there was an increase of about 10,000 views, 36,200 page views. 25% was commission website, the home page. 22% was the final and district maps and 21% was the draft proposed maps 2024, which really was speaking to the house in terms of what the commission is doing with the house. The five states or five areas in February was Michigan, not set means the location wasn't set and people who were actually looking add the maps we couldn't identify the location so therefore not set was two. Three was the state of Virginia, four was Florida and five was Illinois. This compares to the previous month of January, which was

Michigan, Virginia, Florida, Illinois and New York. Then, coming in March, we had 17,600 page views as it relates to our website. The final and district maps was 39%. The district maps by county was 16% and the commission website was 10%. The top five states were Michigan, Virginia, Florida, Illinois and New York. Then when you compare it to February, the top five were Michigan, not set, not set being the location wasn't set on a person's device where they were looking at the maps or whatever was off the website. Then Virginia, Florida and Illinois. Just want you to know, the public to know that we are working on making our website user friendly as we go into this new phase of mapping for the senate. If there's any questions, I can take them at this time.

>> CHAIR EID: Commissioner Orton.

>> COMMISSIONER ORTON: I have a question about the hyperlinks. They are changing something so you have to update the hyperlinks so the documents will be accessible. In the future, I assume they are going to change things again. This is probably in never ending process, is that accurate?

>> EDWARD WOODS III: They could change the platform again. You know, as we are going through things, mainly the minutes, um, if you look at it, you know, people can go to our YouTube channel. It's a hyperlink will not be available within the minutes. The minutes will be there. If there's a hyperlink in the document, that's where the challenge is. It's not the actual document that is the problem, the problem is any document that has a hyperlink in it is the challenge. As we get more information and dig into it, we want to make the commission aware because obviously, that's a concern for us. In terms of the record and, you know, the legacy of this inaugural commission.

>> CHAIR EID: Thank you, commissioner Orton. I have a couple feedback items about the website. Currently, when you go to it, you know, there are four big links, the first is 2024 remedial house plan. The second is the 2024 calendar. Can this calendar, I think you mentioned it would be updated with the flyer. Can it also be updated to include the virtual Zoom meetings we are having? Like the whole remedial schedule, essentially. I think something like that would be useful and -- also, at the community events that I have been attending, I have received feedback that people are finding it difficult to sign up virtually, um, to speak to us. It might be a good idea to add that hyperlink that goes to the form page where you can sign up for public comment on that calendar. That way people can both see when we are meeting and sign up for public comment while they are looking at that. Does that make sense?

>> Yep. Update the 2024 calendar to include the remedial plan where we have the dates listed. The second thing is add the sign-up form for public comment which includes remote or in-person, have it on the front page. Thank you.

>> CHAIR EID: That form, office.com link that we have been using. It would be easier for the public to access it right on the calendar. Thank you, Executive Director Woods.

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>> If you have ideas, feel free to e-mail so we can aggregate that information and send it over for one time for efficiency purposes. I will be reporting back, commissioner Eid as we get more information regarding the hyperlink, so the commission is informed as a follow up to the inquiry.

>> CHAIR EID: Thank you.

We will move on to acknowledgements and announcements. Executive Director Woods.

>> Just want to remind people we are meeting again this afternoon at 4:00 p.m. I want to encourage you to sign up to provide public comment. In this case, remote public or virtual public comment because the commission definitely wants to hear from you. Thank you.

>> CHAIR EID: Are there anymore acknowledgements or announcements? Seeing none, we will move on to adjournment as the items on the agenda for this morning are complete. The commission has no further business. A motion to adjourn is in order. Do I have a motion?

>> COMMISSIONER LETT: So moved.

>> Second.

>> CHAIR EID: Motion to adjourn submitted by commissioner Lett and seconded by commissioner Weiss. Is there any discussion on the motion? Seeing none, we will move to vote. All those in favor of adjourning, please raise your hand and said aye.

>> Aye.

>> CHAIR EID: Any opposed? The ayes have it. We are adjourned at 12:47 p.m. See you this afternoon, everyone.