

MICRC

12/02/21 10:00 am Meeting

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>> VICE CHAIR ROTHORN: Good morning, Michigan.

As Vice Chair of the Commission, I call the meeting of the Michigan Independent Citizens Redistricting Commission to order at 10:00 a.m.

This Zoom webinar is being live streamed on YouTube at Michigan Independent Citizens Redistricting Commission YouTube channel.

For anyone in the public watching who would prefer to watch via a different platform than they are currently using, please visit our social media at Redistricting MI.

Our live stream today includes closed captioning. Closed captioning, ASL interpretation, and Spanish and Arabic and Bengali translation services will be provided for effective participation in this meeting. Please E-mail us at Redistricting.gov or details for language translation services for this meeting.

People with disabilities or needing other specific accommodations should also contact Redistricting at Michigan.gov.

You can't hear anything?

>> No, you need to lean forward a little bit.

>> VICE CHAIR ROTHORN: Is that better?

This meeting is also being recorded and will be available at [www.Michigan.gov/MICRC](http://www.Michigan.gov/MICRC) for viewing at a later date and this meeting also is being transcribed and those closed captioned transcriptions will be made available and posted on Michigan.gov/MICRC along with the written public comment submissions.

There is also a public comment portal that may be accessed by visiting Michigan.gov/MICRC, this portal can be utilized to post maps and comments which can be viewed by both the Commission and the public.

Members of the media who may have questions before, during or after the meeting should direct those questions to Edward Woods III, our Communications and Outreach Director for the Commission at [WoodsE3@Michigan.gov](mailto:WoodsE3@Michigan.gov) or 517-331-6309.

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

>> MS. SARAH REINHARDT: Good morning, Commissioners. Please say present when I call your name. If you are attending the meeting remotely, please disclose you are attending remotely and As well as your physical location you are attending from. I call on Commissioners in alphabetical order starting with Doug Clark.

>> COMMISSIONER CLARK: Present. And attending the meeting remotely from Rochester Hills, Michigan.

>> MS. SARAH REINHARDT: Juanita Curry.

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>> COMMISSIONER CURRY: I'm present and attending remotely from Detroit, Michigan.

>> MS. SARAH REINHARDT: Anthony Eid?

>> COMMISSIONER EID: Present.

>> MS. SARAH REINHARDT: Brittini Kellom?

Rhonda Lange?

>> COMMISSIONER LANGE: Present; attending remotely from Reed City, Michigan.

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Present.

>> MS. SARAH REINHARDT: Cynthia Orton?

>> COMMISSIONER ORTON: Present.

>> MS. SARAH REINHARDT: MC Rothhorn?

>> VICE COMMISSIONER ROTHORN: Present.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> CHAIR SZETELA: Present.

Janice Vallette?

>> COMMISSIONER VALLETTE: Present.

>> MS. SARAH REINHARDT: Erin Wagner?

>> COMMISSIONER WAGNER: Present; attending remotely from Charlotte,

Michigan.

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: Present.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: Present.

>> MS. SARAH REINHARDT: 12 Commissioners are present.

And there is a quorum.

>> CHAIR SZETELA: Thank you, Ms. Reinhardt.

As a reminder to the public watching, you can view the agenda at [Michigan.gov/MICRC](http://Michigan.gov/MICRC).

I would now entertain a motion to approve the meeting agenda. So moved.

Motion made by Commissioner Witjes. Seconded by Commissioner Lett. Is there discussion or debate on the motion?

Commissioner Eid?

>> COMMISSIONER EID: I would like to add something. If the Commission wants, I think we should hold a quick -- can you hear me now? Wonderful. I would like to add a quick moment of silence for the victims of the tragedy that happened in our state earlier this week.

It should only take like a minute.

>> CHAIR SZETELA: Do you want to add that as an agenda item or do we just want to do it? Just do it now.

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>> COMMISSIONER EID: I would appreciate if everyone in the crowd would participate in a moment of silence for the victims of the tragedy that took place in Oxford, Michigan, earlier this week.

>> COMMISSIONER EID: Thank you.

>> CHAIR SZETELA: Thank you Commissioner Eid.

Any additional comments about the agenda? All right. It's moved and seconded we adopt the meeting agenda.

All in favor raise hand and say aye. Opposed raise your hand and say nay.

The ayes prevail and the meeting agenda is adopted.

Without objection we will now begin the public comment pertaining to agenda topics portion of our meeting. Hearing no objection, we will now proceed with the public comment pertaining to agenda topics.

Individuals who have signed up and indicated that they would like to provide in person public commentary to the Commission will now be allowed to do so. Please step to the nearest microphone when I call your number. You will have one minute to address the Commission. Please conclude your remarks when you hear the timer.

First in line to provide public comment is number one.

And I will also let those who are waiting for remote public comment know we currently have 20 people signed up for remote public comment go ahead.

>> Good morning and happy holidays to everyone. I'm Sarah Howard, the counsel for the Michigan AFLCIO's fair maps project.

Accepting the risk of sounding like a broken record, your map options do not fully comply with the requirements of the Michigan Constitution.

They particularly fall short on partisan fairness.

And they particularly fail to get to legal compliance in any of the State House map options.

The reason for the unlawfully disproportionate partisan fairness are the fundamental problems with the way you are measuring and the percentage of partisan bias found in various map choices.

Close enough is not good enough.

We remain concerned too about how a flawed process got you here, why were you allowed to look at Township and County lines mapping for example, but you were not allowed to look at partisan fairness numbers until you were trying to fix the problems.

None of your State House maps meet the legal criteria and you must start over there. Thank you.

I would note there is a change echo with the microphone which makes it a little difficult to speak so you may want to fix that for future public comment.

>> CHAIR SZETELA: With this microphone?

>> This microphone has an echo feedback so you can hear yourself like a delay on a delay.

>> CHAIR SZETELA: Number two?

>> MS. SARAH REINHARDT: I just wanted to note for the record that Commissioner Kellom has joined.

Commissioner Kellom, can you let us know where you are attending remotely from?

>> COMMISSIONER KELLOM: Good morning, attending remotely from Wayne County, Michigan.

>> MS. SARAH REINHARDT: Thank you. Number two, you may proceed.

>> Hi, I'm Crystal Boyd and I'm Sarah Howard's legal assistant. On November 22nd the Kent County political director sent an e-mail to party members saying, quote, the Michigan republican party is supporting the Palm State Senate plan and the Magnolia State House plan, unquote. That is hardly shocking since these plans give the republican party the most significant, unfair disproportionate partisan advantage of any of the options.

That should also be a red flag.

The percentage of partisan bias must be zero to comply with the plain language of the Michigan Constitution.

You must also measure partisan fairness accurately. And right now there are errors like over emphasizing older elections and under emphasizing more recent ones, particularly in the State House.

The map options you have now would not enable the party who obtains the most votes to win a majority and in body except in landslide years. That violates the law.

Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number three.

>> Good morning. Thank you all first of all for serving. My name is Gary Miles, editor and publisher for the Detroit news. I stand before you today with three facts that are abundantly clear. First, the important work of this Commission will fail unless the public knows it was done within the law and without secret or hidden agendas.

It's why this body was created.

Second the public can only know those things if your work is fully transparent.

Third, and for exactly those reasons, the Michigan Constitution clearly commands this body to conduct all of its business in open meetings.

All of its business, not some of its business, not most of its business, all of its business.

This Commission doesn't have the authority to defy that constitutional language.

In your mandate as individuals, public servants is to reinforce confidence of the public in the integrity of this process.

I urge you to do so by releasing the documents, the secret documents that were discussed on October 27th. Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number four.

>> Good morning, Commissioners. I'm Susan Smith vice president for advocacy of the League of Women Voters of Michigan.

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League of Women Voters is still concerned about the partisan fairness scores of the proposed house maps.

As you have said many times, the Commission's goal is to have fair maps.

We appreciate the many hours of effort you have already put into the mapping process.

However, there is still work to do on the house maps in particular.

The League respectfully requests that you add another meeting to your December schedule so that you can improve these maps.

As you know, these maps will be used in our State and Federal elections for the next ten years.

Please take the time to make them the best maps they can be.

Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number five.

>> Good morning.

I'm Cheryl Hayes, I consider myself an independent voter.

I campaigned door to door for prop two.

And after a decade of extreme gerrymandering, there is nothing more important than fair maps.

All Michigan voters deserve a voice.

As far as the maps go, Congressional Chestnut and Birch are the best and Apple is the worst.

Senate Linden and Cherry are the best. Palm is the worst. And the house there are no good choices, but I would call Hickory the least worst. As an old song goes, that is making the best of a bad situation.

Michigan voters deserve a better, unbiased house map.

Please, please a level playing field. We are counting on you all.

Thank you and happy holidays.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number six.

>> Hello. My name is Kristina. And I'm from Grand Blanc, Genesee County. And I work for the International UAW. We want to extend our thanks for all of your hard work and everything you have done so far.

Things are not exactly perfect the way we would like to see them, but if you're going to vote for maps that we currently have, the Cherry version two or Linden maps for the Senate are the best ones that we see even though they are not at zero partisan fairness yet.

The worst possible map is the Palm.

We are asking you to please not vote for the Palm.

And for the house maps, there's the best of the worst like she said is Hickory.

So even though they still need a little bit more work, we are encouraging you to please not vote for Palm, Cherry version two or Linden and Hickory. Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number seven.

>> Good morning, Commission. My name is Ansen, a citizen of Jackson, Michigan. I would like to bring some attention to the continuing push for the partisan fairness. That is one metric of many that you all have to take into consideration. I'm sure you know that. In the constitutional language it actually prioritizes communities of interest first.

Like it goes population, communities of interest, then partisan fairness. And that is for a reason. And that reason is because people need to be an able to have accurate representation in their respective communities, which will be keeping our communities together so that we and the voice we want, not the voice politicians want to push on us. Carving up communities to try and get things to be more competitive logically creates situations where people are not being properly represented in those communities. If 80% votes one certain way, we should not look how people vote. It should mostly be about what that community is and their general communities of interest, their geographical area and economic interest, all of those things tie together. And we are neighborhoods. And we should have somebody that probably represents our community, not the politicians that we want to put in charge of our communities. So please keep that in mind, looking at the constitutional language, communities of interest come first.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number eight. Absolutely. Number nine.

>> Good morning. Could we put up the map P23273, please?

>> CHAIR SZETELA: Sarah, we don't have a way to do that.

Not today. We don't have our mappers here, sorry

>> It was nice when we had them at the Dort Center, but I digress.

My name is Tonya Burns. I'm from the City of Flint. I'm the current six ward Flint City councilwoman and I'm here to speak about the mapping. We agree with the Congressional map, Birch V2. It keeps Flint together. It connects with Saginaw and other industrial industries. We agree with Senate map Linden. It keeps Flint whole and guarantees representation for the City of Flint. We recommend the House map Hickory with additional modification. The Black voting population in the west ward and the two House Districts covering Flint diminishing Black voting power and possible representation. None of the maps that have been proposed are partisan or fair.

Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Do we want to do eight at this time or come back later? Come back later, okay, number ten.

>> It's sad we can't see our map.

It's been a lot of things going on with this Commission.

We can't get on. I try to put comments up. You can't put comments up.

Mr. Weiss, and I forgot your name, we came to Flint and we told you that we wanted the 34th District, which is a Black representative African/American, we wanted to keep that.

You all divided it.

We don't have any type of representation on this Commission like I said when you came to Flint.

Because if we did, we wouldn't be fighting for minority majority.

How is it that when republicans did the map, we did not worry about 34th District.

How is it that we did not have to worry about minority majority, but we have citizens that is doing it right now?

I want to see what is in that memo that you all are trying to hide.

Because I'm hearing it's to do away with minority majority.

Can we find out what you all talked about behind the scenes? That's what we want to know.

And then you have three African/Americans on the panel that should be sounding out the loudest. Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 11. And I understand we do have John on Zoom and that he is able to display that map.

Are you there, John? Our maps but not, okay.

>> MR. MORGAN: I'm here. My understanding is I would be prepared to show the published maps that we have available.

>> CHAIR SZETELA: Okay. Thank you for that clarification.

Number 11.

>> Yes. My name is Richard Jones. I'm also a resident of Flint, Michigan.

What I say and what I'm saying right now, I'm not the only one that feel this way in the City of Flint, we really want P7273.

And y'all can't pull it up.

So we...it would be very nice if y'all could set up some kind of another meeting in the City of Flint to where we could pull this up and discuss this map.

Because, like all of the speakers earlier have spoken, I'm going to ditto that.

Y'all trying to take away the 34th District in Flint.

It's not fair.

The bipartisan vote. To be honest, I just feel the whole way that y'all are doing this whole process is not fair or right.

And y'all are not as transparent. And I would expect y'all to be, when I went out there and hustled to get this put on the ballot, to get this gerrymandering thing situation straightened out. So please consider that. And hopefully y'all can come to Flint and look at this map with us.

Thank you.

>> CHAIR SZETELA: Before you walk away, I just have some clarifying questions. So P7273, the 34th District, is that in a Senate map or in a house map?

>> That is the house.

>> CHAIR SZETELA: The house map, okay. Thank you very much.

>> Thank you.

>> CHAIR SZETELA: Number 12.

>> Hi. My name is Elizabeth Sanders.

I live in Flint, Michigan.

And my public comment is the Black voting population was lowered in the two House Districts covering Flint, dismissing Black voting power and possible representation. None of the maps that have been proposed are partisan fair.

We recommend that the Commission take additional time to redraw the house map to represent fair partisanship.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 13.

>> Good morning. My name is Joan, External Affairs Officer with the Michigan Nonprofit Association. Earlier this year MNA launched an initiative to mobilize non-profits to educate the communities on the new redistricting process. We equity and inclusivity at the forefront, the main goal of our initiative is to reach populations that have been historically underrepresented and provide the necessary training, resources and tools so that everyone has the opportunity to participate.

This hasn't been an easy process and yet our cohort of 38 non-profits representing communities of interest across the state have worked extremely hard to develop maps and gather feedback and offer testimony.

And still these communities are being disenfranchised as the boundaries and the draft maps cut through many of them in many cases.

I'd like to direct your attention to the Hickory House map specifically.

While it's the best of the House drafts, it can be improved with respect to partisan fairness and compliance with the Voting Rights Act by adjusting the lines in Grand Rapids, Kalamazoo, Detroit and Flint.

I urge you to schedule additional time to take these interests to heart. Unless their voices are heard and fair and effective representation will not be achieved. Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 14.

>> Good morning. My name is Maria and I am retired from UAW Local 652 and also the Chapter President of Labor Palace of Latin American Advancement here in the Greater Lansing Area.

Palm is the worst Senate map.

You have done an okay job with Cherry version two and Linden Senate maps. If I was in your position, I would be voting for either one of these two maps. Please do not vote for Palm.

In the State House you got close. However, you heard from citizens, close is not good enough.

Although you failed in that regard, the best map for the Senate is the Hickory map.

I encourage you to vote for the Cherry version two or Linden Senate map and Hickory for the State House. Please do not vote for the Pine Senate map.



The best of the proposed maps are as follows: The Senate, the Cherry version two or Linden. We can deal with either one. While not 0% partisanship, these maps give a slight advantage to the Dems.

We cannot let them vote for Palm. Palm favors one party Republicans way too much and is not close enough for the partisan for 0%. Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 15.

>> Good morning, thank you for the opportunity to speak.

I'm from Flint, Michigan.

And I'm appalled at the thought of being eliminated.

If you eliminate the 34th District, you remove a seat from the table, you take a voice of a community away.

Who will we have to stand for us? Who will we have to speak for us? You say it's just ten years.

It will be a lifetime for many of us and our children.

And so we want to be counted.

We want to have a choice.

We fought too many years to have a voice.

We fought too long to have a seat.

And if we are eliminated, then where do we stand? Was our fighting in vain? Was our voice just silenced? So many times as a race of people, as a community we have been silenced.

Please consider map P7273.

>> CHAIR SZETELA: Thank you for addressing the Commission. I understand number eight is now back in the room.

>> Yes.

Hi, good afternoon. Well, I'm sorry. Good morning. My name is Cynthia Haynes.

My introduction would be a little bit different. It would be personal.

I'm an advocate for prison reform.

And, as you know, prison reform affects all colors of all cultures.

But it basically affects the Black community.

This redistricting I don't want to say is good or I don't want to say it's bad.

But I want to make sure and I ask that when you as the panel or whoever decide to do what is best, think about the communities, the Black community because we have to vote people in that is going to represent us and our families and our ones that have been disproportionate and that has been lost over sentence.

So we have to think about them because we want our loved ones home to help restructure, rebuild the community so we won't have to depend on politicians and people to make decisions for us.

Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 16.

Commissioner Curry, did you have a comment or question?

>> COMMISSIONER CURRY: Yes. We could not hear her at all.

She was cutoff.

So if you can put her back up, so that we can hear her.

I did not hear anything of what she said.

>> CHAIR SZETELA: Yes. Did you want her to come back up again, ma'am? Sorry to make you do a redo.

Maybe just tilt the microphone down, so it's a little closer to your mouth.

>> Who did not hear me?

>> CHAIR SZETELA: The people online.

>> I'm Cynthia Haynes from Flint, Michigan and a big advocate for prison reform. So you will be hearing about things I will be doing throughout Michigan starting with Detroit, January 22nd.

I'm asking, again, as I express when you start thinking about redistricting think about the communities.

Think about mass incarceration because that is a passion of mine. And when you redistrict it's going to be hard for people to vote, especially the Black community, to put people in that represent us, that will help bring policies that would help our communities. Because right about now we really cannot depend on these politicians and these follow rules and regulations that are being made by others. So I'm asking you to decide or how however you want to redistrict it, I'm not saying it's good or bad.

Think about the communities. Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 17. 16, I'm sorry, I crossed it off.

>> Can I be heard by everyone?

>> CHAIR SZETELA: Yes.

Juanita, can you hear him? You're on mute Juanita.

>> COMMISSIONER CURRY: I'm sorry, it's a lot of static in the mics. We are getting a lot of static.

>> CHAIR SZETELA: Feedback.

>> COMMISSIONER CURRY: Yeah, feedback.

>> CHAIR SZETELA: We will have him try a different mic and see if that makes a difference.

>> COMMISSIONER CURRY: Thank you.

>> Am I better now?

>> CHAIR SZETELA: Is that better?

>> Hello, hello, hello.

>> COMMISSIONER CURRY: No.

>> CHAIR SZETELA: Still getting a lot of feedback.

>> I will sing a song, du-da.

>> CHAIR SZETELA: If the mic is live on the table, press the button and turn that on and see if that is a little better.

>> My name is Lathan Jefferson and live in the 34th District. And they want to eliminate that District, which means we won't have a representative.

That District is the reason why we don't have to speak German or a foreign language because in that District they built rocket fuel, they made bullets, they made machine guns to send over as well as tank parts.

They got several to fight the Germans so we did not have to speak a German language. And the people in that District should be heard because of the ancestors that went to work to build the war effort to be able to make it possible.

My great Aunt used to paint instrument clusters in one of the factories.

But little did she know, she was dealing with a radioactive material.

Later on they brought in badges for them to wear, but at this point they had already been affected.

And this area is the reason why we get to speak English.

Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 17. I would try the little one. And we can probably bring a chair down. It's just staticky. So they did hear them, yes. Do you want us to bring you down a chair?

>> I'm okay.

>> CHAIR SZETELA: Okay. Go ahead, sir.

>> All right. As I watched the redistricting process progresses here, I've heard many comments from residents on two topics. One is community of interest, which is objective number three in the redistricting criteria. The other is partisan fairness, which is objective number four.

Lately it appears that partisan fairness is taking precedence over communities of interest even though it's a lower priority as laid out in our amended State Constitution. In the spirit of a Government by the people and for the people, the whole idea of representation is to have peers in Government that can represent you and your way of life.

At the redistricting hearing in Jackson this past May, I heard Jackson City residents complain about their representing and not understanding their needs.

When different community of interest are linked in partisan fairness, we lose the idea of representation by the people and for the people.

I ask you please put aside partisan considerations and give us representation that can actually represent us.

In my opinion existing maps that have the best chance to achieve this in my area are Chestnut Congressional and Palm State Senate and Szetela House maps, although the House maps are all pretty bad.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 18.

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>> MS. SARAH REINHARDT: If you can give us one moment, we will prop up the microphone so you don't have to hunch over.

>> CHAIR SZETELA: Just to make it easier for people.  
Go ahead.

>> Good morning. I'm a resident of a small Township Jackson County. I participated in several redistricting hearings.

Originally, I was satisfied with the maps being put forward and focused on communities of interest.

However, over the past few months it seems like this has become less important to the Commission. And the maps seem to reflect more unpacking of cities.

This is, of course, a partisan approach to Districting.

In the end citizens and voters want representatives who understand our differing communities. And this seems impossible to accomplish when large cities are purposely combined with rural areas.

Maps...most of the maps we have left to choose from do not do a good job of protecting communities of interest.

Of the maps we have to choose from I believe the following have the best chance of achieving this goal to represent my area.

The Chestnut Congressional map, the Palm state Senate map and the Szetela House map.

Thank you for giving citizens multiple chances to provide input along the way as the maps develop. Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 19.

>> Good morning. My name is Cheryl Black. I'm from Eaton Rapids.  
And I voted for the redistricting proposition in hopes of seeing Michigan have maps that represent competitive districts, that balance the people's votes with fair representation of both parties.

That's the reason I spoke before you on May 27th because of the concerns I had about my own Congressional District the 7th.

Which was drawn, I felt, that had been lacking representation for a long time because of that map.

Thank you for seeing the unfairness and drawing new maps for that District.

Cherry and Birch seem to be the fairest of the new Congressional maps for my area and gives our area a chance of finally some quality representation.

Apple appears to be the most bias. And I sincerely hope that is not the one chosen.

As it puts my area right back with some of our previous issues.

In the Michigan Senate Linden and Cherry seem to be a good faith effort to be balanced and fair, Palm does not.

As others have spoken, republican bias seems to be very heavy in all the districts. But Hickory in my concerns is the least bias.

Thank you for taking the time. And I hope you have a good holiday season. And good luck with the rest of this.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 20.

>> Hi, Dan W, Livingston County, Genoa Township. And I would like to first thank the Commission in our Congressional and State Senate maps for being fair to Livingston. And the Magnolia and Pine maps are fair for us in Livingston County. And Hickory is not. It splits the Brighton area.

Brighton, Brighton Township, Green Oak, Genoa and Hamburg are perfect districts. I mentioned it all before.

The Hickory map, what it does is it cracks the Brighton in half with Genoa and Hamburg being put with Waterloo. All we have in common with Waterloo, they are rural but we have different needs and different area. And with the City of Ann Arbor, we have very different needs in the City of Ann Arbor.

The Brighton City District under Hickory looks like somebody is smoking a pipe and splits a lot of Oakland County communities. And they all have different needs there as well.

And someone mentioned U.S. 23 with Hickory for putting Ann Arbor and Genoa together. Genoa Township does not have U.S. 23. We have I-96.

Thank you. Magnolia, please.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 21.

>> Okay, let's move on to 22.

>> Good morning. My name is Susan Andrews and I'm from the Tri-County Area of Lansing.

I signed the petition and voted for the amendment that created your Commission. Any District that is noncompetitive unfairly gives a few primary voters, not the general public control.

In Congress Chestnut and Birch are the fairest with the most competitive seats. Apple packs democrats and should be rejected.

In the Senate please adopt Linden or Cherry which have the least bias.

Palm is extremely unfair.

In my opinion all your House maps seem unfair and you need to start over.

Hickory is the fairest but still not good.

Thank you for all your hard work.

Please get this fair.

>> CHAIR SZETELA: Thank you for addressing the Commission. Once again, do we have number 21? If not, we will move on to 23.

>> Good morning. I'm Chris Andrews from Haslett. Thank you for listening to the Lansing League of Voters.

>> CHAIR SZETELA: Chris, can you lean closer to the microphone or pull your mask down? It will be easier for us to hear.

>> Can I start again and get my full 60 seconds? Hi. I'm Chris Andrews from Haslett. Thank you for listening to Lansing region voters. Every map you are considering gives the republicans a statewide partisan advantage by your own metrics.

In a 50/50 election, republicans win majorities in every chamber, with every map.

So they can stop a democratic Governor from doing what voters elected her to do.

Nonetheless, you are choosing between 15 republican leaning maps that do reflect communities of interest.

You should pick the republican leaning maps with the least partisan bias. Hickory for the House, although you really should redo the House altogether.

Cherry and Linden for the Senate, the Palm map is terrible.

Chestnut or Birch for the House, not Apple.

It appalls me that people think fairness is an unworthy value and please adhere to it.

And thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 24.

>> Thank you, Commissioners. I'm a resident of Detroit.

I have been working to mobilize non-profits and educate communities on Michigan's redistricting process.

I also launched the application process as a former director for the Secretary of State.

I have intentionally engaged populations in communities that have historically been underrepresented.

In fact, many who have thanked personally for engaging with the Commission like APIA votes, indigenous partners of Meegwetch, Detroit Hispanic Development Corporation and LGBT Detroit. I have provided technical support in analyzing your draft maps and the impact it will have on these communities.

I want to urge you to continue your work by adding additional time to your schedule to address the Hickory House map.

While the best of the House drafts, you need to address partisan fairness and compliance with the Voting Rights Act. The number one criteria is the Voting Rights Act. And I urge the Commission to have a robust discussion on every map on how it meets the ranked criteria before you. Vote the Michigan Civil Rights Commission has called on you for the same as they have stated, if an electoral map represents in the dilution of the minority votes or infringes on minority rights to elect the candidate of their choice, it does not meet the requirements of the law, the Michigan Constitution or the test of fairness.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 25.

I'm sorry, Commissioner Curry, you had a comment?

>> COMMISSIONER CURRY: Yes. We are still having trouble hearing them.

The mics are not fixed yet.

>> CHAIR SZETELA: Okay, thank you.

Number 25.

>> Hello, good morning.

>> MS. SARAH REINHARDT: One moment, please. Commissioners Clark and Wagner, are you also having audio issues?

>> COMMISSIONER CLARK: I am not.

>> MS. SARAH REINHARDT: Commissioner Curry, I can connect with you offline. It seems like it may be an issue with your computer specifically. So I will work with you to get that resolved.

>> CHAIR SZETELA: Commissioner or executive -- Director Woods.

>> MR. EDWARD WOODS: I'm informed our AV team there is a scratching on YouTube, I'm getting from a reporter as well. So I just wanted to alert you with regards to that.

>> CHAIR SZETELA: Thank you.

>> MR. EDWARD WOODS: I don't think it's isolated to just one incident.

>> CHAIR SZETELA: All right. Number 25, go ahead.

>> I'm with the Development Detroit Corporation. And I had the pleasure meeting most of you I think around this process for a while.

I'm here with two hats. One is Detroit and the other one is Lansing.

I want to thank you for the way you treat our community of interest in Detroit.

It was really good.

Now, in Lansing we are very unhappy with the way the City has been broken into parts.

We really want to ask you to work on this and to make sure that Lansing remains as a City.

We have a community of interest that was really broken in parts.

And I have very short time.

And I have my notes and I line up with most of the people saying that Apple is not good and Birch is good and Cherry is the best option and Hickory is the less and House is not really nice.

But I want to spend my last 15 seconds making one point.

I am a community organizer.

I spent a lot of time asking people to come to this event.

But at 10:00 on a working day just doesn't work for people who work.

Most of the folks who are here are retired and respect and no offense to retirees. But it's impossible to make people come to things at 10:00 a.m. on a working day.

And I get it that there are other ways of communicating. And I could have 20 people here if it was at 6:00 p.m. or in the evening or a weekend. Thank you very much.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 26.

>> Good morning, Commissioners. My name is Ilene Hayes and I live in Flint. I represent Michigan Faith in action.

And we work to mobilize people to understand what this whole process is from the very beginning.

And we are -- because I live in Flint, I have a strong concern that Flint be kept together. There is a strong possibility that we will lose representation, particularly in our Black population.

And that our members of our community will become disenfranchised.

We do not want to see that happen.

We agree with the Congressional map the Birch map because it keeps Flint together.

And it connects us with Saginaw and other industrial areas.

We also agree with the Senate map of Linden because it keeps Flint whole and guarantees representation for the City of Flint.

We recommend the House map, Hickory and with some modifications. But finally I would like to reference map P273 as our preferred map. Thank you.

>> CHAIR SZETELA:

>> P2, no, there is no two there, P27273. Thank you.

>> CHAIR SZETELA: P27273.

>> The clock ticking got me.

>> CHAIR SZETELA: Number 27.

>> All right. Good morning, Commissioners. And thank you for the opportunity to speak before you today.

My name is Michael Davis, Junior with Promote the Vote and I wanted to use my time again to echo some of the comments that you have heard from Ms. Smith from the League of Women Voters. One, to give yourself more time.

And also comments from Loida Tapia to give more consideration to the VRA districts that you have drawn in the House and Senate.

You have seen Michigan as you informed us yesterday on track to take in more public comments than California did in their entire process. Now, that is no feather in your cap unless you truly that into account. Because you have done a lot of work, but there is still a lot of work to be done in your State Senate and State House maps.

There is definitely considerations that should be made for VRA districts and COI. So, clearly, I strongly believe the maps that Promote the Vote created are fair and equitable. I urge you to give yourselves an opportunity to look back at those and take some of the suggestions from us, from citizens. And that will give you the best chance for fair representation for all Michiganders.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 28.

>> Hi. Thank you for the opportunity to be able to speak.

Kevin Thompson, a community outreach Baptist church in the City of Flint.

I'm asking you to please consider map P7273, please.

We would like for our vote to be counted or us to be in unity.

I'm asking that you really consider this map.



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Thank you so much.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 29.

>> Hello, Commission.

My name is Mr. Dotson from the City of Flint.

I lived there and a business owner there.

I'm here to recommend map P7273. Did I say that right? So I think it's important that we clearly, I've been to a couple of these meetings now and it seems that is what the residents want.

And I know there are people and you're doing your best to please everyone.

I know it's hard and it's impossible. But seems as though we have to stay as close as we can to the demographic area. And it seems to me it speaks the best P7273, so appreciate it.

>> CHAIR SZETELA: Thank you for addressing the Commission. I believe that concludes our public comment. I just want to do one last call for number 21, which I believe Austin was the last name, and see if that person is here.

Okay, all right, thank you for your comments this morning.

At this point we are going to move on to the live, remote public commentary.

Individuals who have signed up and indicated they would like to provide live remote public commentary to the Commission will be allowed to do so. I will call on your name and our staff will unmute you.

If you are on a computer, you will be prompted by the Zoom app to unmute your microphone and speak.

If you are on the phone, a voice will say that the host would like you to speak and prompt you to press star six to unmute.

I will call on you by your last name or the last four digits of your phone number. Also, please note that if you experience technical or audio issues or if we do not hear from you for 3-5 seconds, we will move onto the next person in line and return to you when they are done speaking.

If your audio still does not work you can email [redistricting@michigan.gov](mailto:redistricting@michigan.gov) and we will help you troubleshoot so that you can participate at a next public comment period at a later hearing or meeting. You will have one minute to address the Commission.

Please conclude your remarks when you hear the timer.

The first person in line for public comment is James Gallant. Please wait a moment for our staff to unmute you.

>> Yes, James Gallant, Marquette, these are my opinions. One minute is absolutely unreasonable. And in response to the Detroit Free Press, the Michigan Independent Citizens Redistricting Commission has the legal right to define the constitutional mandates until those efforts are overturned by the Michigan Supreme Court. This is that change the rules attempting to reboot the system thing. And you all know my concerns. So as a public service, I'm urging anyone who wants to challenge the

decisions or the maps of the Michigan Independent Citizens Redistricting Commission to go to the Michigan Supreme Court's website, self-help Section. There are approved forms with instructions. The filing fee is \$325 plus process service fees. For approximately \$500 anyone can bring their issues to the Michigan Supreme Court directly and to challenge any of the decisions or the maps of this Commission.

So and good luck with all that. And I would be happy to coordinate with some of you folks if you would like to get together and work that out.

And thank you Commissioners for your efforts. And I found the motion to discuss issue. That is the Wayne State University Student Senate.

>> CHAIR SZETELA: Thank you for addressing the Commission. Next in line is Anthony Skinnell.

>> Hello, Commission. I'm joining you from Wayne County. And I just got to say, you know, I guess you guys have decided long ago that whatever you did on your first run was good enough. And you've decided at a certain point that you either can't or are unwilling to take in certain amounts of public comments or you can't even work with them.

And, you know, that is a real shame because I think you've had fake deadlines and that has given you funny maps. And you tried to justify that with your fishy counsel and not use a lot of Friday fun day adjournments too to just kind of skip over stuff when you could have been using good mapping time and considering the different comments people have given. But you have had a lot of early adjournments. So I don't know. I think you guys are ready to start sipping on the egnog is what it seems to me. Which map do we like the best out of all you proposed? Well.

>> CHAIR SZETELA: It appears we have lost Mr. Skinnell so we will move on to Bruce Roller, number three.

>> MS. SARAH REINHARDT: That participant is not present. We can move to number four.

>> CHAIR SZETELA: Dorothy Munson.

>> My name is Dorothy Munson. I'm representing Grand Rapids nonpartisan proactive organization.

I want to point out Apple V2 Congressional map is the best representation of the large minority population in West Michigan.

30% of this District population are minorities.

Not only are Black and Hispanic populations represented but Asian and Native American as well.

In fact, the map meets communities of interest criteria for both Meegwetch Grand Rapids Area indigenous people and the Hispanic Center of West Michigan.

In our area this is the only District map that focuses on representation at the Federal level of larger densely populated cities in their common characteristics.

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Grand Rapids the second largest City in Michigan, Kalamazoo is number 13, Wyoming 14, and Kentwood 23 have common, unique characteristics and attending issues and improvements that need to be addressed.

Thanks for providing representation for the 600,000 diverse urban dwellers. Thanks so much.

>> CHAIR SZETELA: Thank you for addressing the Commission. Next in line is number four, which is Karen Lawrence.

I'm sorry, that was number four.

Karen Lawrence is five.

>> Hello. My name is Karen Lawrence from Grand Rapids.

We encourage the adoption of Apple V2 Congressional map.

This map gives voice to the primary Metropolitan minority areas of West Michigan.

90% of the people in this area are City folks and 250,000 are minorities.

Grand Rapids and Kalamazoo combined form an area that includes the bulk of industry in West Michigan.

A representative will be able to focus and support this group on issues such as low-cost housing, City infrastructure, pollution, healthcare, civil rights manufacturing employment, climate change and public education.

The second choice would be the Chestnut map, which is similar to the Apple V2 but represents less of the minority population.

Thank you for your diligence in this matter and partisan fairness.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number six Jennifer Austin.

>> Hello. Jennifer Austin, City of Midland. I would like to thank the Commission for reuniting the Tri-Cities into a Senate District and Mid-Michigan into a U.S. Congressional District. We have been separated for far too long.

I support the Chestnut Congressional map as it keeps most or all the core of Mid-Michigan counties intact in District 8. I support the Linden Senate map as it has the best partisan fairness scores and reunites the Tri-Cities. Please continue to work on the House maps as none of them have acceptable partisan fairness scores. If you do not work on these maps further, the Szetela House map has the best partisan fairness scores and gives Midland and Bay City a competitive District. If this map is not available for the initial vote, I support the Hickory House map. I'm hopeful the Commission will remain true to its purpose of giving the voters of Michigan the best maps possible with the best partisan fairness scores. Proposal two's mission was achieving partisan fairness and end gerrymandering. Please, Commissioners, do not play political games when voting for these maps. You are beholden to the people of Michigan, all the people of Michigan, not just your party affiliation. Leave your politics at the door and vote for the maps that best serve the voting electorate of Michigan.

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>> CHAIR SZETELA: Thank you for addressing the Commission. Number seven, Karen Santelli.

>> Hi, folks. Can you hear me?

>> CHAIR SZETELA: Yes, we can.

>> From Cascade Township. I spoke to you before. I'm very concerned about Cascade being in Metropolitan representation as we are a Metropolitan area. For the House map, Hickory is the best though it's not the greatest. And for the Congressional map we prefer Apple over Chestnut, but Apple would be our first choice. Chestnut would be our second.

State House, the Szetela map absolutely makes no sense to me.

I don't even see communities of interest, how they are represented. And Cascade is put in a rural area that I can't support or doesn't support me.

So for a State House, again, Hickory is the best though I'm sure could use some work.

As far as the State Senate, Linden or Cherry are good. Palm is absolutely the worst. And those are my comments. Thank you for all your hard work.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number eight which is Molly Morrissey.

>> Hello. I'm speaking from Midland, Michigan.

I applaud you all for the work you have done to create maps that are better than they have been in the past 30 years. But they are still not perfect, but they are getting better. The House maps still need work.

Of the three collaborative Senate maps, the Linden State Senate map has the best partisan fairness scores and does a good job keeping communities of interest together. It does a good job of reuniting the Tri-Cities and keeps a lot of Midland County together.

The Palm Senate map, terrible, don't like it at all.

You have made the maps closer to center, like I said earlier, but still they lean too far republican, especially in the House.

And it would be in the best interest of the people of the state to work further on these maps and make them closer to zero political bias.

The Szetela House map has the best partisan fairness scores of all the House maps, but if that is not available then I would support Hickory. Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number nine, Claudia Warren.

>> Good morning.

My name is Claudia Warren and I live in Midland, Michigan.

Thank you, Commissioners, Voters Not Politicians, and 61% of Michigan voters who approved proposal two, making this entire process possible.

Today I urge you, Commissioners, to approve the new maps that promote maximum partisan fairness. The Chestnut for U.S. Congress has the best partisan fairness scores.

The Linden for State Senate has the best partisan fairness possibilities.

The Hickory map for State Representative is acceptable.

I am 100% behind Chestnut and Linden. The Hickory map is more fair but does not have the degree of partisan fairness necessary.

And brings up this concern, will Michigan still suffer the effects of a one-sided and obstructionist State House? I hope not.

Partisan fairness is key.

For maximum partisan fairness, I urge you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Next in line is number ten, which is Joan Long.

>> Hello. My name is Joan Long. Can you hear me, okay?

>> CHAIR SZETELA: Yes, we can.

>> Great. I'm a lifetime resident of the Grand Rapids Metro Area.

I canvassed for and voted for proposal two and I'm a proud member of the League of Women Voters.

I would like to comment on the State House map Szetela.

I do not favor this map because I feel Ada should be linked to the west of Grand Rapids because Ada and Grand Rapids are both Metro areas and communities of interest.

Ada should not be linked with the rural areas.

And thank you again for your hard work.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 11, Anna, I believe it's Khriezatz.

>> Hi. My name is Anna Khriezatz. And I'm here to advocate for the Hickory, Lange and Linden maps. I ask the Commission to please vote for these maps. Given these options, the two maps are the most inclusive of the needs of the communities they represent.

I think it's unanimous that people just want their voices to be heard and communities to be properly represented.

So please keep this in mind when you're choosing a map.

And I think that Hickory and Linden are the best options given all these considerations as well as considering partisan fairness score.

So again Hickory, Lange and Linden I think are the best maps given the options that you have provided us with. So thank you, that's all.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 12, Kenan.

>> Hello, my name is Kenan.

I would just like to advocate for the Hickory and Linden maps as well.

I think they are the best ones that represent the communities of Michigan.

And they take into they take into consideration the partisan fairness the best.

Thank you very much to the Commission for all their hard work and please consider voting for Hickory and Linden to become our maps. Thank you.

Have a nice day.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 13, Naomi-Ludman.

Are you available?

>> Can you hear me?

>> CHAIR SZETELA: Yes, we can.

>> All right. Thank you. My name is Naomi-Ludman from Cass County in the southwest corner of the state. I want to say given that unfortunately communities of interest have not really been taken into consideration, I have to fall back to partisan fairness as being the most important criteria at this point.

I want to plead with the Commission to consider the issue of partisan fairness.

The map that comes closest to this to giving each party a chance to have a competitive race is the State House for Hickory.

State Senate map would be Linden or Cherry as many said the Congressional districts, I guess for the Congressional districts it would be Chestnut.

So thank you for considering these maps as you vote.

Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 14, which is Mary Murphy.

>> That participant is not present. Move on to number.

>> CHAIR SZETELA: 15.

>> Yes.

>> CHAIR SZETELA: So 15, Greg Hodgman.

>> I'm Greg Hodgman, Kalamazoo resident for over 50 years fair nonpartisan maps are critical.

The Palm State Senate map has the most partisan unfairness and should be rejected.

There is partisan unfairness on other maps. And the Hickory House map currently has the best partisan fairness.

Please continue your good work and adopt as final maps the least partisan maps allowing the party that receives the most votes to win the most seats. Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number, I'm sorry, number 16.

>> Good morning. Can you hear me?

>> CHAIR SZETELA: Yes, we can.

>> Thank you. Good morning, Commissioners. I'm LaCracha Handy from Flint County, Genesee County. And every map has a republican bias and this is unacceptable. Please prioritize partisan fairness and choose the fairest maps. In the

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Senate, Linden and Cherry are much better in terms of partisan fairness than Palm. So vote no on Palm.

In the House all of the maps contain too much republican bias.

Hickory is the fairest.

So please vote, yes, on Hickory.

Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 16, 17, Art Reyes.

>> Good morning. My name is Art Reyes, a lifelong resident of Genesee County. And, as I do every time, I want to thank you for putting in the efforts that you have and doing this.

I know it's not an easy process, but it is absolutely vital for the health of our democracy here in Michigan.

I do urge you to vote for either Cherry version two or Linden in the Senate. But it's absolutely unacceptable to me that the 34th District, or whatever new number it would have, has disappeared.

The Hickory map does have the least partisan advantage.

But you need to go back to the drawing board if the City of Flint cannot have its own representative.

It has very specific issues that have been cast nation and worldwide. And we need to be sure that Flint has a voice that is ensuring that that stuff does not happen again.

In the Senate again Cherry version two or Linden. Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 18, Sarah W.

>> Hello, Commissioners. Thank you for listening to the citizens of Michigan and continuing to work towards fair maps.

I wanted to talk today as a resident of Grand Rapids on the maps that are affecting us here in West Michigan.

I appreciate the collaborative maps that the committee or the Commission has put together for the State House.

I think the collaborative maps generally represent our communities of interest pretty effectively.

I also just wanted to express some concerns about the Szetela House map.

The COIs here in Kent County and West Michigan are not represented there.

And the voices of our citizens are not represented in that map.

Our second largest City, Wyoming, is split into multiple areas despite having a strong community of interest with the Hispanic communities of Grand Rapids.

The Hickory map also appears to be the fairest statewide of the collaborative maps.

And for State Senate I'm concerned about the lack of partisan fairness for the Palm map.

Maps should not favor one party over the other.

Thank you for your time.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 19, which is Chris Herweyer.

>> Can you hear me?

>> CHAIR SZETELA: Yes, we can.

>> Good morning, Commissioners. My name is Chris Herweyer and a resident of Wyoming, Michigan in Kent County.

I would like to express my appreciation today at how well you have listened to and responded to previous public comments from myself and other members of the Grand Rapids Metro Area in drawing the districts that...for our region in the State House and State Senate.

All of the collaborative maps that you drew for our area represent our community very well. And I appreciate the good job that you did in representing that.

That being said, in other parts of the state where the proposed maps have some more significant differences, some maps come closer to partisan fairness than others.

So I just wanted to let you know which ones get closer to that partisan fairness metric, that is one of the requirements that you have.

I personally favor the Hickory State House map and the Linden State Senate map. And I'm opposed to the Magnolia State House Map and the Palm State Senate map. Both of those maps have an unfair republican bias. So thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 20, Jonathan Flynn.

>> Hello. My name is Jonathan Flynn. As a college student and redistricting fellow with the campus vote project, I would like to advocate for colleges and universities across Michigan's communities of interest.

I am thankful to Michigan Independent Citizens Redistricting Commission has made an effort towards ensuring student voters are heard. Commission meetings at the University of Michigan, Oakland University, Central Michigan University, among others, go a long way towards a running platform for historically unrepresented voices.

However, the Commission still has work to do keeping colleges together in their final map proposals.

Despite having a Commission meeting at Oakland University and Oakland University being previously split, every single Congressional map splits the University in half. Furthermore, the majority Congressional map proposals including Chestnut, Apple and Szetela split Grand Valley State University and a significant portion including Birch, Apple, Lange and Szetela split the University of Detroit Mercy. Making sure student voices are heard requires that no campuses in Michigan are split, not just a few. Thank you again for your hard work and transparency.



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>> CHAIR SZETELA: Thank you for addressing the Commission. Number 21, Katie Ellison.

>> Hello. My name is Katie Ellison. I'm a junior at Central Michigan University and I'm also a redistricting fellow with the campus vote project and I'm asking you to please keep colleges together.

I'd like to point out some serious concerns and advocate for you to avoid making a decade long mistake. I'm focusing today on State Senate and State House map proposals. Setting the State Senate Map Palm splits Oakland University and Grand Valley State University. And Lange splits Oakland and University of Michigan. Notably, Cherry, Linden, Szetela, Pine, and Kellom all effectively split Oakland University and U of M and GVSU. Pine is the worst however, splitting multiple smaller universities along with big three.

For State House plan, Oakland University and GVSU are split in every single plan. This is not acceptable. I thank the Commission for their work, but more must be done. No one is arguing that colleges are not communities of interest, so please keep them together.

There is still time to act and to tell young people in our state that we value their votes and their voices.

Thank you so much for your work.

>> CHAIR SZETELA: Thank you for addressing the Commission. It's my understanding that we have another in person commenter, number 30. You have to press the button to turn it on.

>> My name is Beverly Lewis and I'm from Flint, Michigan. I agree with the Congressional map Birch V2 because it keeps Flint together. I also agree with Senate map Linden because it keeps Flint whole and representation for Flint.

House Hickory could be acceptable with some additional modification.

The Black voting population was lowered in the two House Districts covering Flint which diminishes the Black voting power, impossible representation.

None of the proposed maps are partisan fair.

I recommend that the Commission take more time to redraw the House maps to represent fair partisanship.

The current and House map for Flint and Genesee County I would like to use is P7273. Thank you so much for your work.

>> CHAIR SZETELA: Thank you for addressing the Commission. We are now going to move back to remote public commentary with number 22, Richard Williamson.

>> I'm Richard Williamson from Grandville and Kent County. Thank you, Commissioners, for your work drawing maps to give all communities in Michigan fair representation. You have taken public feedback in drafting maps. And now you must choose from among those proposed maps. I encourage you to approve one of your

collaborative maps for State House. Your collaborative House maps, particularly Hickory, best reflects communities of interest here in Kent County as well as across Michigan. Your collaborative maps reflect the input of residents from across Michigan in a way the Szetela map does not.

The Szetela map splits the Hispanic community and ignores our suburban communities. Your collaborative maps reflect your combined efforts, incorporating each of your unique perspectives for better maps than anyone individual can.

It's important to approve from among your proposed collaborative maps as they have been before the public for several months and best reflect our communities of interest. The Szetela House map has not faced adequate public scrutiny. Whereas the Hickory map has benefitted from public input to create a map that is fair and reflects communities of interest. Thank you for your dedication and hard work.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 23, which is Meredith Kennedy.

>> My name is Meredith Kennedy. I'm here representing the indigenous voices throughout Michigan. I have met all of you good people before with many of my relatives. I want to let you know that we are pleased that you have listened to some of the voices throughout Michigan as keeping intact with our values and being on our lands.

I would like you to know we are in agreeing with Birch V2 as it keeps many of our communities of interest intact including our federally recognized tribes and some of our state and tribally recognized tribes.

I want to say thank you for that.

I'd like you to know that as indigenous people throughout Michigan we would like you to concentrate on House maps, including that of Hickory.

We feel that this map is best adjusted for some of our communities of interest.

I have let you know before, we want to make sure our relatives of Black and Brown voices are heard.

Please concentrate on Hickory House map and continue your good work. Meegwetch.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 24, Lisa.

>> That participant is not present and we will move on to 25, please.

>> CHAIR SZETELA: Okay, Cilla-Tomas.

>> Hello, can you hear me, sorry. My name is Cilla-Tomas from Ann Arbor. Thank you, Commissioners, for all your efforts.

For the Congressional maps, I like Birch V2, Szetela and Chestnut.

For the State Senate map I like Linden and Cherry. I reject the Palm map because of lack of partisan fairness. Putting majority of people voting for one party in one District is a cause for gerrymandering.

You can elect politicians who can be responsive to City and country folks.

We could be a model for the whole country to overcome divisions and have an organized, work cooperatively together with Jackson County.

Still, after all this time none of the State House maps are satisfactory because they lack partisan fairness.

I encourage the Commission to go back to the drawing table and draw maps with partisan fairness so we don't repeat the same mistakes of having gerrymandered districts.

Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 26, Mary Murphy.

>> Participants 26, 27 and 28 are not present.

You can move on to number 29.

>> CHAIR SZETELA: Okay, Theresa Reid.

>> Hi there. I'm a long-time resident of Washtenaw County. The top reason for the existence of the MICRC is the need for electoral maps that are fair to all voters.

You have done a great job with the Birch and Szetela for U.S. Congress.

You have done an excellent job with the State Senate maps as well.

Palm is extremely bias. But both Linden and Cherry unpack Washtenaw, which is a clear win for partisan fairness.

As a resident of Washtenaw County, I strongly support both the Linden and Cherry maps. Unfortunately, you have fallen down on the Michigan State House maps as you heard. Hickory is the least bad, still has far too much republican bias.

All three maps give a majority of seats to republicans before a single vote is cast disenfranchising tens of thousands of voters.

This is the opposite of what the MICRC was established to do.

I implore you to complete your task as you began it, with a determination to create maps that protect all voters' voices.

Thank you so much for your work.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 30, David Rossiter.

>> MS. SARAH REINHARDT: David, if you are able to unmute, you are free to address the Commission.

>> Thank you for that. My name is David Rossiter. I'm a resident of Washtenaw County.

First, let me thank the Commission for taking on this complex task and for providing opportunities for the community to access this work and to comment.

I've done my best to understand what's going on in the proposed maps. As best I can tell it appears that the Senate maps, Cherry and Linden, are the most balanced. The Palm map on the other hand seems to run counter to the expressed wishes of Michiganders in that it tilts heavily in one direction.

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It's critical all maps meet the standards set forth in the mandate given you by the citizens.

The House maps overall still need more work.

The Hickory map appears to be the most balanced in its approach but needs improvement.

Please take more time and continue your efforts to ensure that the end result of all your hard work is a fair and equitable representation for all.

Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 31, Judy Daubenmier.

>> My name is Judy Daubenmier and I am speaking today in favor of the Birch Congressional map, the Cherry Senate map and Hickory House map.

None of them is perfect.

They all need more work regarding partisan fairness.

Some have said that Livingston County does not belong with Washtenaw in the Hickory House map. However, we currently share a Senate District with two thirds of western Washtenaw and those same commenters have not complained about that.

But mainly I want to encourage you to take time today to discuss the process for voting on fair maps.

Your process should help you choose the fairest plan. And it should allow discussion of all the plans before any votes take place.

It shouldn't come down to a quick draw McGraw contest where the first person to make the motion on the map carries the day.

Every plan should be discussed before any vote takes place.

Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 32, Scott Stensaas.

>> Hello. I don't know if my camera is on. There it is. I'm a lifelong Michigander. And I have been in every election since 1968. I live in Grand Rapids and I lived all over the state.

I really applaud the work of the Commission.

I applied to be on it, but I'm really happy at this point my number did not come up for that job.

I appreciate your courage, persistence and sissue, a UP term, and your work. I'd like to speak in favor of the Linden and Cherry maps for the State Senate as being the most competitive.

The Hickory map for the State House and probably the Chestnut for the U.S. Congress. My view competitiveness of more districts is a benefit for us citizens, fewer slam dunk districts and more competitive districts, more partisan fairness.

Thank you very much.

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>> CHAIR SZETELA: Thank you for addressing the Commission. Number 33, Valorie Lafferty.

>> MS. SARAH REINHARDT: Valorie, if you can unmute, you are free to address the Commission.

>> That would help. I'm a resident of the Lansing area. For Senate, Linden and Cherry. For the House, Hickory, though it is the best of, not the greatest. In Congress Chestnut and Birch. Thank you very much for the opportunity.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 34, George Rogers.

>> Participants 34 and 35 are not present. You can move on to 36.

>> CHAIR SZETELA: Nate Falling.  
>> Hi there.

Hello. My name is Nate Falling. I live in Kentwood, Michigan in the second Congressional District. And I would like to personally thank the Commission for the time spent creating the proposed maps and listening to feedback. And I would hope the Commission will enact maps that produce fair, nonpartisan election outcomes for the State of Michigan.

To achieve that goal, I would like to personally advocate for the Commission to move forward with the State of Michigan Senate maps Linden or Cherry, both are acceptable. And for the Michigan State House map, Hickory. Of the maps proposed, this is by far the most fair.

Maps the Commission should explicitly reject are Michigan Senate map Palm and the Michigan State House map Magnolia, this is due to their partisan leanings within the drawings of voting districts.

Thank you for your time. And I hope the Commission upholds democracy and supports the will of the population to produce fair and nonpartisan maps. Thank you so much.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 37, Joel Ombry.

>> Can you hear me?

>> CHAIR SZETELA: Yes, we can.

>> My name is Joel Ombry and I'm from Grand Rapids. Thank you for all your hard work.

Your job is not an easy one.

We appreciate your openness to citizen feedback.

I have comments on two of your maps. I urge the Commission to adopt Apple V2 map for Michigan's Congressional District.

This map is a good choice for the following reasons: It does a good job giving minority populations in West Michigan a voice in Washington.

Also there are strong similarities between the Metro Grand Rapids and Kalamazoo areas including manufacturing, healthcare and healthcare research, and educational institutions.

The second map, the Szetela State House map, is one that I urge you to reject. The reasons for this include some Grand Rapids suburbs like Cascade and Ada are grouped with farmland and they really have more in common with the Grand Rapids Metro Area. This map also splits Wyoming and dilutes the Hispanic's representation. As the second largest City in the area, Wyoming should have a voice in the State House.

Thank you and happy holidays to you all.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 38, Emily-Van-Ark.

>> Can you hear me?

>> CHAIR SZETELA: Yes, we can.

>> I'm Emily from Ypsilanti.

I'm asking today for you to support Linden and Cherry for Senate. Anything is better than Palm. I've lived in both Ann Arbor and Ypsilanti. They are distinct communities and they should not be packed together.

As a lot of people said, Hickory is the best of underlying options for House, making it better and more fair would be great.

I supported proposition two from the point where I was collecting signatures for it on the initial petition. And I did that because I wanted us to have maps to encourage politicians for we the people across party boundaries. And I hope that the output of this achieves that goal.

I also applied to be on the Commission, so I know that it's a big commitment for all of you to be on it and I would like to thank you for your service.

Thanks.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 39, Lawrence.

>> That participant is not press.

>> CHAIR SZETELA: Let's move on to 40, Rebecca Grayson.

>> Okay, can you guys hear me?

>> CHAIR SZETELA: Yes, we can.

>> Okay, perfect. My name is Rebecca Grayson. I'm from Grand Rapids, Michigan, Kent County.

I really appreciate your hard work in the creating these districts, redistricting maps to create more fairness here in Michigan.

The fairness maps in my opinion for the State Senate would be Linden and Cherry are much better in terms of partisan fairness than the Palm map, which is the most unfair map in front of the Commission right now.

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Palm has the highest republican bias and would create an unfair playing field for the State House.

The Hickory has the best partisan fairness scores for the three options and the most majority of Black districts as well.

Thank you so much for your time and keep up with good work. Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 41, Susan.

>> That participant is not present.

>> CHAIR SZETELA: Roderic Casey, number 42.

>> Yes, Roderic Casey, Ypsilanti Township.

And I support the Linden and Cherry for our State Senate.

And also the Hickory for our House.

And please we don't need the Palm map.

Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 43, Jordan Scrimger.

>> Can you hear me now?

>> VICE CHAIR ROTHORN: Yes.

>> My name is Jordan coming from Farmington Hills, Metro Detroit with work based in Lansing. And I want to share two thoughts with you today.

You have had a lot to do with the condensed timeline, in comparison to the decade ahead that these maps will effect this is a short window.

For that reason I encourage the Commission to discuss a plan for how to vote on the maps, but not put pressure on yourself to finalize that decision today. Table it for your next gathering so that we the public can help weigh in on your adoption process. And rushing this decision will result in selected based on procedure dynamics rather than what is most fair.

Finally, if you are set on no longer making edits to these maps, after doing my best to sift through them, here are my preferences. For Congress Chestnut. And I believe the Commission wanted to unpack Detroit voters for the VRA, heeding their concerns about being able to elect Black representatives is incredibly important. And with that I appreciate Kellom Senate map but like aspects of Linden. As far as the State House Hickory makes the most sense at this point. So thank you for listening.

>> VICE CHAIR ROTHORN: Thank you for addressing the Commission. Number 44, Joanne.

>> That participant is not present.

>> VICE CHAIR ROTHORN: Thank you.

Number 45, Ronald Fox.

>> Good morning. My name is Ronald Fox. I live in Okemos, Michigan.

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And I became involved in this issue back when proposal two passed. And I was thrilled to see ourselves being in a position of perhaps having a non-gerrymandered districts. Addressing that, in the Senate, I would propose that we adopt the Linden and/or Cherry maps.

I think those present the most fairness.

The Palm proposal is very bias.

And the House the Hickory is the best of those available, although I think there is a lot of bias in almost all of them.

For the Congressional maps I would prefer Chestnut and Birch.

And by all means avoid the Apple maps.

Thanks for your help and, you know, we will...hopefully we can get this done.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 46, Tom Weeks.

>> Hello, can you hear me?

>> CHAIR SZETELA: Hello.

>> Are you able to hear me?

>> CHAIR SZETELA: Yes, we can.

>> Great, my name is Tom Weeks.

I live in Washtenaw County in Pittsfield Township, which is in the Ann Arbor School District with an Ypsilanti postal code.

So I sort of speak for a fair amount of Washtenaw County.

The citizens of Michigan adopted proposal 18 because we wanted independent Commissioners to conduct fair redistricting.

I appreciate your hard work and I have some suggestions on the final results.

I'd like to first lift up two important principles of redistricting.

Reflecting diverse population and communities of interest, specifically racial equity and partisan fairness.

As these two principles are both important to me personally and high priorities in the Michigan constitutional criteria, I urge you to respect them by voting for the Linden or Cherry Senate map and against Palm as well as voting for...

>> CHAIR SZETELA: Thank you for addressing the Commission. Next in line is number 47, which is Nomi-Joyrinh.

>> Hi, can you hear me?

>> CHAIR SZETELA: Yes, we can.

>> I'm speaking on behalf of the Michigan Unitarian Universalist Social Justice Network. We are a nonpartisan faith-based statewide organization. And thank you for your dedication to this sacred work and appreciate the way you have listened to public comments.

We applaud your work on the Congressional maps.

The Szetela map is the best and the only map to have a perfect partisan fairness score.



The Birch map is also fair.

Several State map, Senate maps complete to the fairness especially the Linden, Kellom and Szetela maps; but still favor one party and require tweaking.

We ask you to do more work on the House maps. While Hickory comes the closest, none of the House maps would result in an outcome that accurately reflects the way we vote.

None of the House maps are acceptable.

We don't wish to delay the process, but the worst outcome would be to settle for inherently unfair maps.

Please continue to do your good work.

>> CHAIR SZETELA: Thank you for addressing the Commission. Max Bultman.

>> Good morning. I'm Max-Bultman. I grew up right on the County line of Kent and Ottawa County on Leonard Street. And I just want to voice my support for keeping northern Kent County as one Senate District as seen in the Senate map proposed by Commissioner Lange.

I feel lumping together the northern part of GR with, pardon me, a distinctly different community in Ottawa County would not be fair to either of the communities. If I turn left out of my driveway growing up, I'm looking at mostly multi-acre properties and open fields and the West Walker Sportsman Club versus to the right is duplexes and tightly packed together homes and right in the City of Grand Rapids. So to me those represent clearly different interests for the constituencies. And I think the right thing to do for people on both sides of that County line is to not jam their differing needs together under shared representation.

Thanks for your time.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 49, Mira Jordan.

>> Good morning. My name is Mira Jordan and I live in Grand Rapids and grew up in Holland, Michigan. These are both communities that really care deeply about the welfare of Michigan, but they are different communities. And I likewise would like to advocate for keeping Kent County together to allow our communities to co-advocate. And I would also like to thank you all for the very difficult work you are doing in this area. Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 50, Clause.

>> Hello, Commission. Thank you for the comments today and thank you for the work you are doing.

This worked out well. I actually would like to agree with the two previous speakers. I would like to advocate for the corrected Lange map, which I feel captures the intricacies of Kent and Ottawa Counties better than the other maps do.

Currently all the other maps kind of smush together Eastern Ottawa County with northern Kent County, separating towns like Coopersville, Allendale, Marne from other rural agricultural communities of interest that they share with Ottawa County, and instead placing them together with Metro Grand Rapids.

Grand Rapids is a large, growing City that I've spent most of my life in.

And its Metro area constitutes two Senate districts onto themselves.

Ottawa is a large growing County that deserves its own District as well. And they are both big and unique enough on their own to warrant separate communities of interest.

There is no reason to separate these communities and put them together as cities and farmlands.

Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 51, which is Quintin Turner.

>> Hello, Commissioners my name is Quintin Turner. I'm the program director for Common Cause Michigan. I would like to start by applauding the Commission for your decision not to conduct final map votes by secret ballot. This decision will bring an important level of transparency and accountability to this process. Furthermore, I would like to offer suggestions for the best practices from other states in voting to select a map.

First, the Commission should take the time to have a detailed review and discussion of each map before any votes are taken, including considerations of public testimony, as well as review of how the...what complies with the constitutional mapping criteria.

Second, each map should receive a vote from the full Commission as it will go a long way in upholding public trust.

Choosing a final map should not be a function of order in which votes are taken.

Finally, if the in-depth review process has the need to make changes, particularly changes on improved partisan fairness, compliance with the Voting Rights Act or protection for community of interest, we highly encourage you to make those changes rather than push forward with less representative maps.

We share...

>> CHAIR SZETELA: Thank you for addressing the Commission. Suzanne Almeida.

>> Good morning. Thank you so much for allowing me the time to talk and for all of your great work in drawing maps for Michiganders.

My name is Suzanne-Almeida. I'm the redistricting representation counsel for Common Cause. So I work with my colleague who you just heard from and I work on the national team. And I oversee and work with states across the country.

As Commissioners you have taken on an incredibly difficult and important role in crafting maps that not only represent the values that Michiganders have put forth under proposal two, but also under...make sure that they are fair, representative and protect communities of interest.

I want to talk today a little bit about the voting procedures that we are hoping you will undertake.

You know while the Michigan Constitution outlines broad categories of how that process needs to happen, there is still a lot of room for discretion and discernment on your part in making sure this process is open and transparent.

First, we would recommend that you discuss each map in detail prior to a vote. This would include not looking at not only public testimony, but also looking at compliance, constitutional criteria, specifically partisan fairness and the Voting Rights Act and protection of communities of interest.

Additionally, and each map should receive a vote for the full Commission. Again, thank you so much for your work.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 53, Paul.

>> Participants 53 and 54 are not present. We can move on to 55.

>> CHAIR SZETELA: 53 and 54.

Mark Payne.

>> Good morning, everybody. Good morning, Commissioners. My name is Mark Payne. I'm a resident of Detroit.

Thank you for your service to the State of Michigan.

The voters rights act is a part of criteria one. And the Michigan Department of Civil Rights said that, quote, in their current form the maps dilute majority minority Districts and strip the ability of minority voters to elect legislatures that reflect the community and affect any meaningful opportunity to impact public policy and law making, end quote.

I with other Michiganders request you please take the time to ensure just representation. I request you take one more day to discuss State House maps.

You have to address voting rights districts by reviewing primary data which is essential in evaluating whether minority communities will be able to elect candidates of choice.

Lastly, I ask the Commission review and have a robust discussion of all collaborative maps and how they meet all criteria ahead of the vote.

Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Next in line is number 56, which is Sarah Torres.

>> Hi, Commissioners. My name is Sarah Torres. I'm with API Vote Michigan.

Today I'd like to have grave concerns regarding your State House maps for the Greater Grand Rapids Area.

Each one of them effectively disenfranchises communities of color.

The voters of Grand Rapids and all Michigan communities deserve better and more equitable districts that are free from partisan interference. All maps need to accurately reflect the communities they represent.

For as many communities of color throughout Michigan, West Michigan has been split and segregated into districts that separate communities and diffuse the power of African/American, Hispanic and Asian voters.

Although it's encouraging to see some positive changes to the current House maps, they are woefully inadequate to address the current disenfranchisement of communities at the hands of partisan gerrymandering politicians.

Thank you for your time today.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 57, James Hallock.

>> Yes, good morning. Can you hear me?

>> CHAIR SZETELA: Yes, we can.

>> I'm Jim Hallock and I live in Ann Arbor. After studying the maps as proposed by the Commission, I believe the following about the three separate maps.

On Congressional maps, of the U.S. Congressional maps I believe the best map is the Szetela map, which is partisan fair.

But could live with Chestnut or Birch.

Of the State Senate maps, I favor the Linden map and Palm is worst.

On the State House maps, unfortunately, none of the House maps are good with partisan fairness. So I would urge the Commission to continue to refine the maps to come up with a better version.

If not, Hickory is the least worst.

I want to thank the Commissioners for all of their hard work and have a happy new year coming up, thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 58, Mike Hinterman.

>> Good morning.

It appears that from what I've been able to read over this process that the Linden and Cherry maps are better in terms of partisan fairness. The Palm map is highly republican bias.

And the Hickory is the least worst of the House maps as has been noted earlier.

Thank you for your work to this point.

And good luck going forward.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 59, Joel Arnold.

>> Can you hear me?

>> CHAIR SZETELA: Yes, we can.

>> Hi. My name is Joel Arnold, a resident of the City of Flint. And I wanted to note for your Congressional maps the Chestnut or Birch version two maps are best. And the Senate state maps your Linden and Cherry are best.

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However, as others have noted, packing all the City of Flint into a single District in the State House is a clear mistake.

Our City would be subjected to a partisan gerrymander for the next decade when this is not necessary to ensure Flint representation for a majority minority district.

The map P7273 achieves the goal of ensuring representation for our communities of color and allows for the City to elect a second representative as has been the case for the last decade.

Please revise your State House to reflect map P7273 to ensure quality representation for Flint without creating a partisan gerrymander.

Thank you so much.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 60, Persy Johnson.

>> Can you hear me? Percy.

>> CHAIR SZETELA: Yes, we can.

>> Right off, right away, throw out the Palms map, the Palm map. I was disappointed in that.

That we don't need as a map, right? Okay, and the Chestnut and the Birch map, the Linden maps, those are maps that we could live with.

Once again, it sounds like you got three out of the two maps okay.

The map for the House, you got to keep this about the people and not the politicians.

No way that our big cities should have less than a 50% vote for their communities.

You must please make sure that you give the big cities a fair vote and a fair opportunity to represent their community.

And please go back to 90 seconds and I'm looking forward to seeing you in Detroit.

I hope when you come.

>> CHAIR SZETELA: It appears he might have frozen.

Thank you for addressing the Commission. Number 61, is Denise.

>> That participant is not present. We can move to 62.

>> CHAIR SZETELA: 62 is Jasmine McKenny.

>> Hello.

>> VICE CHAIR ROTHORN: We can hear you.

>> Okay, first of all, I want to thank you all for your time this morning. And I want to ask you to consider map P7273.

I'm a Flint resident.

I'm a lifelong Flint resident.

And I would like you to consider allowing the City of Flint to continue to have two representatives in Lansing.

We have unique challenges that face our community. And the more representation that we can have to make sure the issues we have had are addressed, it's important. Again, thank you all for your time.

I hope you have happy holidays and look forward to seeing what comes out next.

>> CHAIR SZETELA: Thank you for addressing the Commission. Douglas O'Keefe, number 63, Nicholas, I'm sorry, O'Keefe.

>> Hello. Thank you. My name is Nicholas O'Keefe. I live in Detroit, Michigan. Thank you all for listening to us. And I feel like you all have, okay, start my video, too. I feel like you all have largely understood the assignment, fixing the partisan gerrymandering and returning democracy to our state.

This is true except for the Palm map. Palm is so confusing contrary of the ethos of the other maps when considering partisan fairness and communities of interest and I urge you to reject it.

All the other maps are not great, but they are fine.

But Palm is a step backwards.

And someone earlier mentioned putting aside partisan fairness considerations so we can have a democracy for the people.

I wonder what people they were talking about because partisan fairness is where a democracy for the people meet.

Partisan fairness means when you get 55 percent of the vote you get 55% of the seats. It means the better person has a chance to win the election rather than the person with the right letter to the name.

I hope everyone on the Commission has the same bona fide belief in democracy that I do, that the will of the people, all of the people should be what matters. And catering to one County or one area should not take a higher priority than the representation of the entire state.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 64, Peter Phatia.

>> Thank you and good morning.

I'm Peter Phatia, the editor of the Detroit Free Press. I'm also the Michigan Editor of the USA Today Network. So I represent newspapers and newsrooms through the state. And last year attorneys for the Secretary of State and the Attorney General advised you that Constitutional provisions on redistricting imposed additional transparency requirements above and beyond what is usually required under FOIA and the OMA. The recent AG opinion reinforced that and explained what had to happen and why under the Constitution.

Please do not ignore this when the result could be deny taxpayers critical information during this period of limited comment. And could invite a lawsuit at a cost to taxpayers that ultimately could deny taxpayers their right for information under the Constitution. You were provided documents that you used in drawing proposed maps that have been kept from the public and told they could be discussed in a closed session.

That is not permissible. Reminding you of your guiding principles, each Commissioner should perform his or her duties in a manner that is impartial and reinforces public confidence in the integrity of the redistricting process.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 65, Sonya Schmerl.

>> I'm addressing you from Ann Arbor, Michigan.

I having tried to make a map. I recognize the difficulty of your task.

Partisan fairness is an important part of the Commission's work.

The proposed maps that come closest to this idea, ideal with are the U.S. Congress Birch and Szetela maps. And Lange is the worst.

In the State Senate Linden and Cherry are the best maps. In the State House, Hickory is the least bad; but none of the maps is acceptable.

Please keep working on these maps and keeping competitive districts in mind.

Thanks for your hard work.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 66, Dee Jones.

>> Participants 66 and 67 are not present.

We can move to participant 68.

>> CHAIR SZETELA: Okay, 68, Darci Berwick.

>> Hi, can you hear me.

>> CHAIR SZETELA: Yes, we can.

>> I live in Pittsfield Township but with a Saline mailing address. I've lived in Ypsilanti and worked in the Ann Arbor, Dexter and Chelsea areas. And I'm very familiar with Washtenaw County. I also have a connection with Jackson and Jackson County. So I think the Linden state map is closest to fair distribution for my area.

Unfortunately, none of the proposed House Districts have acceptable partisan fairness.

So I listened to the Supreme Court live session yesterday. And it was very distressing in part because of the clear partisan bias from the justices.

Hearing that really highlighted how important it is for Michigan to have fair representation across the state because the people we elect will be making decisions about our daily lives.

You're doing the good work for the State of Michigan.

And I appreciate you for that.

Please consider reworking the House Districts.

Your decisions are going to significantly impact all of Michigan for the next decade.

Thank you for this.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 69, Kurtis Fernandez.

>> Hello, can you hear me?

>> CHAIR SZETELA: Yes, we can.

>> Hello, this is Kurtis from API Vote Michigan.

We ask that you take time to determine the process for voting on final maps and make that process available for public comments before adoption.

The process should not focus on procedural power moves which should include making sure all plans of each District type receive thorough discussion on how each map fairs against the ranked criteria before a vote takes place.

We also urge you to select the best State House map. As of now Hickory is the best option. But with all State House maps, you need to address partisan fairness and VRA concerns. And Bangla Town is now in one District, which is great. And Southwest Detroit was cut out as a result and that's not what we wanted. We need to keep Black and Brown votes together as BIPOC communities face similar social and economic issues and will find strength together. More work needs to be done. And more time needs to be allocated. And we have to have the maps for ten years and be mindful of all the voters.

Thank you for all you do.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 70, Jan.

>> Yes, hi, my name is Jan-Gwasdacus. I worked hard to get prop two on the ballot and passed.

I believe our democracy in Michigan and the U.S. is suffering from the extreme politics that are a natural result of partisan bias in the past two redistricting cycles. And our experiences allowed us to firmly conclude that extreme gerrymandering for partisan advantage resulted in extreme candidates who represent only their base because they are guaranteed to be elected if they win their primary.

Competitive maps result in candidates who understand that they must appeal to and represent all of their constituents to be successful.

While I appreciate we do not want to draw maps based on partisan fairness scores.

Those scores are an important measure of the success of your efforts.

In that consideration, I support the Linden and Cherry maps for State Senate while Palm fails on this measure.

In the State House we have come the closest with Hickory but you definitely...

>> CHAIR SZETELA: Thank you for addressing the Commission. Doug Floto, number 71.

>> Hi, I'm Doug Floto. I'm from Commerce Township.

And I really am interested in this process, but the important thing is the partisan fairness has to be addressed.

The maps make the District more than ever with the growing extremism that we have fair and representative maps that allow all voices to be heard, but without the preponderance of these extremists running for office and staying in office because of unfair maps.



So the partisan fairness issue really must be put as a top priority in order to save our democracy.

I really appreciate your efforts and thank you for the time.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 72, Ann Teghtmeyer.

>> Can you hear me now?

>> CHAIR SZETELA: Yes, we can.

>> I'm Anne and I'm from Lansing. And I supported proposal two and your work because I want the fairest statewide map that Michigan citizens expect from this Commission. Unfortunately, all of the maps have a republican bias, which is not what was expected when the process was proposed.

Since they are all bias, I hope you choose the ones that are fair.

The State House, Hickory, is the fairest according to your own measures and has the most majority Black District. The bias of Magnolia and Pine will deny voters the ability to elect Democratic majority.

In Congress, Chestnut and Birch are fair and have more competitive seats. Apple should be rejected.

In the Senate, Linden and Cherry are much fairer than Palm. Palm has the greatest Republican bias of all 15 maps under consideration.

Thank you for letting me comment.

I guess Hickory needs to be fixed. Other than that, thank you for what you're doing.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 73, Christian Casler.

>> Hello, good morning members of the Commission.

Thank you for hearing my public comment today.

I would just like to express my disappointment with the State House maps specifically in how they relate to the Grand Rapids area.

I'm a citizen of the Greater Grand Rapids area. And right now the communities of interest, specifically communities of color in Wyoming and Kentwood, are currently disenfranchised under the republican made State House map.

These communities were tied into rural Districts to the south and that effectively disenfranchised communities of color in these districts.

Under the new proposed maps, none of them really do a great job of keeping Kentwood together.

They usually lump Kentwood in with East Grand Rapids to the north, which has been a historically segregated community. And I would just ask that you reconsider these House maps and keep the growing diversity in Wyoming and Kentwood in mind when you are completing these maps.

Thank you for your time today and that is...

>> CHAIR SZETELA: Thank you for addressing the Commission. Next in line is number 74, which is Rae-Ann-Weymouth.

>> Rae-Ann-Weymouth, Ann Arbor, Michigan. I spoke before the person in person at Cadillac Place in September.

My message today is essentially the same.

We need fair maps without partisan bias.

The lines you establish are for the next ten years.

I'm 73 years old.

I want my vote to carry its proper weight during the next decade.

To meet the mandates of the Constitution, preferable maps are for U.S. Congress Birch and Szetela. State Senate, Linden and Cherry. State House Hickory is the least objectionable, but still heavily skewed republican.

Vote for fair maps, veto unfair maps, that is your constitutional imperative.

Thank you very much.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 75, Robert Kennedy.

>> Hello, can you hear me?

>> CHAIR SZETELA: Yes, we can.

>> We are currently at a tipping point in our state and our country we can either strengthen our representative democracy or we can let it slide backwards. In 2018 over 60% of us believe we were adding strength passing by proposal two, designed to take the redistricting process out of the hands of politicians where the districts have been stacked and packed to the point of giving the vote of one person more value than the vote of other.

One half of the goal has been accomplished. We have you, 13 Michigan residents asked to draw new and fair districts for the next decade. Now it's up to you whether you choose to implement the other half and give each person's vote the same value. To do this, please choose the maps with the lowest value in the partisan fairness matrix.

Efficiency gap, lopsided margins and mean median comparison. I recommend Senate would be the Linden map. Reject the Palm map. And House, Hickory, although that is the least bad, you can refine that one. And Chestnut for the Congress.

Thank you very much.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 76, Daniel Hess.

>> That participant is not present. We can move to 77.

>> CHAIR SZETELA: 77 is Karen Obits.

>> My name is Karen Obits. I'm a resident of Spring Lake, which is the north Ottawa County, part of the Tri-Cities.

And I like the Chestnut Congressional map because it encompasses my community of interest, which is both the area of my residents and the Grand Rapids and Muskegon urban areas, which I frequent regular for recreational purposes.

Of the collaborative state maps, I prefer the Linden. But I also endorse Commissioner Kellom's Senate map because it scores equally well as the Linden with partisan fairness while potentially increasing the opportunity for African/Americans to elect candidates of choice.

The Palm map is bad for the Mitten state. Of the House maps, I request that you only consider the fairest option if you are not going to do any more drawing, and that would be the Hickory map.

If more drawing is allowed, I'm hopeful that you can do your very best to give fair representation for historically marginalized communities because that is an outcome I would like the Commission to prioritize as much as possible. And I thank you very much for your work.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 78, Kathleen-Curell.

>> I want to say right on and bravo for Nick O'Keefe for his comments. Hi, I'm Kathleen-Curell from Midland and I want to say I appreciate the work you are doing would be putting it very lightly.

Excuse me.

I have the upmost respect for your services to the citizens of Michigan.

As I've listened and participated in comments, there is no getting away of the fact the huge majority of citizens are imploring you to improve partisan fairness of the maps.

It's really the whole reason proposal two was started when Katie Fahey made a Facebook post that said who wants that take on gerrymandering? You will never make everyone happy, but please take whatever extra time you need to improve the message of partisan fairness.

I'm asking for the Hickory map with more work on removing the republican lean. And Chestnut for Congress and Linden for Senate.

And thank you again. What you are doing gives me hope for the future of democracy.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 79, Dusty Horwitt.

>> Can you hear me?

>> CHAIR SZETELA: Yes, we can.

>> I'm Dusty Horwitt from Lansing and want to thank the Commission for listening to the Lansing community while drawing your maps.

As the Commission knows from its own analysis, every map has a measurable republican bias.

The Commission should work to reduce and eliminate any partisan bias from their maps.

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I, therefore, ask you to choose the fairest maps. In the Senate Linden and Cherry are the fairest. Palm on the other hand is the most bias of any map, and I urge you not to choose that one.

In the State House all of the maps are unfair.

But Hickory has the least bias of all the maps.

If you have to choose one, I would recommend that one.

In Congress, Chestnut and Birch are good options. Apple has substantially greater republican bias.

So I would urge you to choose Chestnut and Birch for Congress.

Thank you for considering my comments.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 80, Sue Jennings.

>> Participants 80 and 81 are not present. You can move on to 82.

>> CHAIR SZETELA: 82 Ryan Flaherty.

>> Can you hear me now?

>> CHAIR SZETELA: Yes, we can.

>> Thank you. As someone who canvassed for prop two, I thank all the committee members who are operating in good faith.

Somehow the world and the state keep gravitating to the right though.

Birch map is a well-balanced map. Many people get upset about splitting Ann Arbor and Ypsilanti. But this maps keeps them together in District six. There is a good balance of urban and rural as well evidenced in Jackson District 5 and District 11.

For State Senate, the Linden and Cherry Version 2 maps are good counterbalances.

Some people will feel like joining Jackson and Ann Arbor are and splitting Ypsilanti will be overly advantageous to democrats. But one need to look no further than District 17, 18 or 16 to see that there is plenty to make democrats angry.

Let's compete for this.

Finally, for State House I'll echo a lot of other people in saying go back to the drawing board.

I think it's very hard to draw so many districts that capture communities of interest and geographical distance, but I think Hickory favors republicans too much.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 83, Patrick McNeal.

>> Good afternoon. My name is Patrick McNeal. I'm with the North Flint Neighborhood Action Council and happy to be here this afternoon.

As some of my colleagues front the Flint area have already stated, we prefer the Birch Version 2 map for Congress, Linden for the Senate map, and the best of the worst is Hickory.

We are asking we take some time and really look at how the Black voting population was lowered in the two House Districts covering Flint, diminishing Black voting power and the potential of representation.

So we are of the belief that none of the maps that have been proposed on the House side are truly partisan.

We recommend that the Commission take time to redraw the maps to represent fair partisanship and VRA.

The current enacted House map is better than any of the proposed House maps for the rest of Flint and Genesee County. And if we have to stick with one, we have put P7273 as our preferred map.

Please take the time to do this right.

Get rid of partisanship. Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 84, Athena McKay.

>> Can you hear me?

>> CHAIR SZETELA: Yes, we can.

>> Good afternoon. Thank you so much for taking time out to listen to the citizens of Flint and Michigan at whole.

As pastor said, if I could just say ditto.

Flint, we have been in this fight for quite some time to recover from the Flint water crisis, which was proposed on us and enacted on us by the Government. So there is a lack of trust. And you felt that energy when you came here.

We thank you so much for listening to our comment.

Birch two is our preferred Congressional.

The Senate is Linden and Hickory with some modifications that were just listed.

We are working as a community to draw out a complete map of the state, which includes the insertion of P7273 to assist you with the diligence that you have already done so much to draw these lines for us. And thank you for the technical support in the background.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 85, Frank Hawthorne.

>> MS. SARAH REINHARDT: Frank, if you can unmute yourself, you are free to address the Commission.

>> Yes, how is that?

>> CHAIR SZETELA: We can hear you.

>> Okay, thanks.

I too want to thank the Commission for your service.

And good morning to everybody.

I live in Petoskey and Emmet County and due to a decade of highly gerrymandered politics here in Michigan we all want the same thing, fair mapping.

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In the Senate I believe that Linden and Cherry are much better in terms of partisan fairness than Palm, which seems to be the most unfair map in front of you. Palm seems, as many have said, to have a high degree of republican bias and likely would create an unfair playing field.

In the House, Hickory has the best partisan fairness scores. And in the end, I too believe that there will be no perfect redistricting solution. But we can all do better if we can agree. Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 86, which is Sarah Holmes.

>> That participant is not present at the moment.

We will move on to 87.

>> CHAIR SZETELA: Okay, 87 which is Crystal.

>> 87 is not present either. We can move on to 88.

>> CHAIR SZETELA: 88 is Douglas Helzerman.

>> Hello, can you hear me now?

>> CHAIR SZETELA: Yes, we can.

We can hear you, sir. You can go ahead.

>> MS. SARAH REINHARDT: Doug, it looks like you remuted yourself. If you can unmute yourself, you are free to address the Commission.

>> Can you hear me now?

>> CHAIR SZETELA: Yes, we can.

>> Thank you for restarting my time. Thank you for all your work.

I'm from Livingston County and I like the maps that keep Livingston together like Palm and Magnolia.

Looking at the Hickory map, it is the most gerrymandered looking map.

And for that reason the public will reject it when it's seen.

We've heard a lot about partisan fairness.

That is not a requirement in the Constitution.

Each District is to be nonpartisan and that being impossible we have to change the goal post and either make a new term or we have to make the number of districts republican or democrat equal, which the Palm and Magnolia do.

Thank you very much for your time.

>> CHAIR SZETELA: Thank you for addressing the Commission. We will go back to Sarah Holmes, number 86, because it's my understanding she is now available.

>> Hello.

>> CHAIR SZETELA: Yes.

>> Can you hear me?

>> CHAIR SZETELA: Yes, we can.

>> Okay, I'm hearing someone else speaking but maybe you can't.

Okay, good morning. And I'm Sara Holmes from Washtenaw County and I want to thank you for your hard work.

Okay, can you hear me?

>> CHAIR SZETELA: Yes, we can.

>> Okay, thank you.

And I want to thank you, Commissioners, for your hard work in Washtenaw County.

And I'm speaking today to urge you to select the Birch map for U.S. Congress.

We think that is definitely the most fair.

And because I'm from Washtenaw County, I do want to recommend the Cherry version two or Linden map for State Senate.

Both of those maps make it much more likely that there will be partisan fairness in Washtenaw County.

The Palm map is the worst.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 89, Aron-Duby.

>> Thank you for your hard work and know it has not been easy for you guys, but thank you so much.

All the eyes are on you.

Not just in Michigan but across the country.

So thank you for stepping up to do this huge service for democracy and for all of your Michiganders.

Specifically I want to say that spoke out against Palm just based on the bias there, reiterate what others have said, especially Ms. W.

The partisanship that we keep seeing is just breeding more and more extremism and more echo chambers and further left and right.

So I applaud you for coming up with maps that are so fair.

I don't think Palm reaches that limit though.

So please don't consider that.

Thank you so much and have a wonderful holiday.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 90, Essence Wilson.

>> I'm Essence Wilson and a resident of Flint. I wanted to share that I believe for the Congressional map either Chestnut or Birch version two are best. And for the State Senate maps either Linden or Cherry version two.

When it comes to the State House map, I'm gravely concerned.

Flint has long had two representatives and this should be retained.

Flint needs to preserve a majority minority District, but the entire City should not be packed into a single district to accomplish this goal.

Your House maps will result in a clear and obvious partisan gerrymander if not modified. Submitted map P7273 should be a guide for the Commission as it relates...

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>> CHAIR SZETELA: Are you still there, Essence?

>> I am, yes, I was disconnected by your team.

>> CHAIR SZETELA: Okay.

>> So I would like to go back. I believe I had 24 seconds left.

>> CHAIR SZETELA: Go ahead.

>> Submitted map 7273 should be the guide for the Commission as relates to the City of Flint.

Do not subject us to ten years of a partisan gerrymander in our City when you can do better.

The approval of any of the House maps currently proposed will represent the conclusion of your work, but the start of ten years of unfair, under representation of Flint residents.

>> CHAIR SZETELA: Thank you for addressing the Commission. 91, Carrie Hatcher Kay.

>> And I live in Ann Arbor and I want to thank the Commission for your hard work on behalf of the State of Michigan.

I'm speaking on behalf of my community with the VAC, Voting Access For All Coalition. And my Unitarian Universal Congregation.

My top message for the Commission is to please continue to work on the State House maps.

None of the proposed House maps are fair.

And none of the -- all the House maps give the majority of seats to the minority of the voters with 110 House Districts.

This is a complex challenge, but it is critical.

Please take this time period.

I'm sorry to say to go back and keep working.

You have made really good progress by taking the time you have already to consider comments on the Congressional and State Senate maps and we need more progress on the State House maps.

Hickory map is the least bad, but still has too much bias for the smaller disenfranchising.

>> CHAIR SZETELA: Thank you for addressing the Commission. Number 92, Brian Dickinson.

>> MS. SARAH REINHARDT: Brian, if you can unmute, you can join the Commission. If you are joining by phone, you can unmute by pressing star six.

Brian, if you can hear me, you can unmute yourself by pressing star six if you are on the phone.

Looks like Brian may have technical difficulties and suggest moving on to 93.

>> CHAIR SZETELA: 93, Micah Perkins.



>> Good afternoon. My name is Micah Perkins with the Michigan Building Trades. I represent over 10,000 skilled labor people from across the west side and the northern part of Michigan.

I have two comments about Kent County as it relates to the House maps and the Congressional maps.

With the House maps, to echo many other people, they continue to need more work, specifically with the Szetela map, we need to keep Wyoming together.

Wyoming is its own unique community and splitting it up not only disenfranchises the City but also disenfranchises the large Hispanic population there.

Positively on the Congressional side, Grand Rapids and Kalamazoo do belong together.

They form a strong corridor of technology, medical research as well as many other common interests.

You are doing a very difficult job. I appreciate your work, please keep it going. Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. Is Brian Dickinson available? Or is he still having technical issues?

>> MS. SARAH REINHARDT: We can try one more time.

If you can hear us, you can press star six on your phone and you are free to address the Commission.

Brian, you're now unmuted and free to address the Commission.

>> Thank you.

Thanks for doing all your work.

I'd like to just please ask that you make the elected officials represent the electorate.

You are getting closer, but I think you guys can do better.

Thank you.

>> CHAIR SZETELA: Thank you for addressing the Commission. That concludes our public comment for this morning. However I would like to mention that all e-mailed and mailed public comment is provided to the Commission before each meeting. And the Commissioners also review the public comment portal on our [www.Michigan.gov/MICRC](http://www.Michigan.gov/MICRC) website on a regular basis.

We appreciate everyone who provides public comment in what manner they choose to do so and invite people to share thoughts, communities of interest, and maps. Without objection, it is currently 12:22, we will recess for 30 minutes.

Hearing no objections, we are going to stand in recess until let's say 12:55.

We are in recess.

Thank you, everybody.

[ Lunch recess ]

>> CHAIR SZETELA: I call this meeting of the Michigan Independent Citizens Redistricting Commission back to order at 1:03 p.m.

Will the secretary please call the roll?

>> MS. SARAH REINHARDT: Commissioners, please say present when I call your name. If you are attending the meeting remotely, please disclose you are attending remotely and as well as your physical location you are attending from.

I call on Commissioners in alphabetical order starting with Doug Clark.

>> COMMISSIONER CLARK:

>> MS. SARAH REINHARDT: Juanita Curry.

>> COMMISSIONER CURRY: I'm present and attending remotely from Detroit, Michigan.

>> MS. SARAH REINHARDT: Anthony Eid?

>> COMMISSIONER EID: Present.

>> MS. SARAH REINHARDT: Brittini Kellom?

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

>> MS. SARAH REINHARDT: Rhonda Lange?

>> COMMISSIONER LANGE: Present; attending remotely from Reed City, Michigan.

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Present.

>> MS. SARAH REINHARDT: Cynthia Orton?

>> COMMISSIONER ORTON: Present.

>> MS. SARAH REINHARDT: MC Rothhorn?

>> VICE COMMISSIONER ROTHORN: Present.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> CHAIR SZETELA: Present.

Janice Vallette?

>> COMMISSIONER VALLETTE: Present.

>> MS. SARAH REINHARDT: Erin Wagner?

>> COMMISSIONER WAGNER: Present; attending remotely from Charlotte, Michigan.

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: Present.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: Present.

>> MS. SARAH REINHARDT: 12 Commissioners are present.

And there is a quorum.

>> CHAIR SZETELA: Thank you, Ms. Reinhardt.

We will move on to the next item of the agenda, which is unfinished business, item 5A, updated budget projections. Without objection I will ask our Executive Director, Sue Hammersmith, to provide updated information on the budget. Please proceed Ms. Hammersmith.

>> MS. SUANN HAMMERSMITH: Thank you, Chair Szetela. At the last meeting Commissioners asked about additional cost if we were to have two meetings a month instead of one meeting a month after the turn of the year. I have built those costs in the budget. As you can see for the AV costs for hotel rooms, for some of the nights, for meals, mileage parking cost it would add about \$67,000 to the budget. You also asked communications and Outreach Director Woods if he might be able to find some savings or what he anticipated spending the balance of the year since most of his expenses were in conjunction with the second round of public hearings. So Rebecca if you might like to ask him to present what he has for the Commission.

>> CHAIR SZETELA: Sure, go ahead, Mr. Woods.

>> MR. EDWARD WOODS: I have to hold it, yes.

Can everyone hear me?

>> CHAIR SZETELA: Yes.

>> MR. EDWARD WOODS: Am I clear? Great, as a result of the Commission's request, we looked at the expenses that we've already done for this year.

We spent \$49,999.99 with direct mail.

We have 25,000 for new Michigan media.

Newspaper ads were 23,920.45.

We have event planning correct that is for 5,000.

Flint outreach contract for 4650.

And then critical mission which we use for media clips is a thousand dollars.

Expected expense is the technical writing for the report that we have to do.

To submit as well as the documentary and that is 49,999.

As a result we have 62,769.57.

And I would like to recommend that the communication and outreach budget take a more than a 20% pay cut, I mean 20% reduction of the budget for 45 thank you and have 17769.57 remaining for any particular expense or something that might come up that we don't anticipate at this time through September 30.

>> CHAIR SZETELA: Any questions or comments for Mr. Woods or for Sue? Commissioner Lange?

>> COMMISSIONER LANGE: I just want to put it out there again I'm not in agreement with the documentary.

I don't think it moves our work forward in any way.

I understand talking about best practices, but when we are looking at a deficit on budget, I do not see spending that money for something that's not needed and that is just my opinion.

>> CHAIR SZETELA: Any other questions or comments? Commissioner Rothhorn did you have a comment?

>> VICE CHAIR ROTHORN: I do think we have to have our version of events out there so I am in favor of getting the documentary and the report and having those resourced.

>> CHAIR SZETELA: Any other questions or comments for Mr. Woods or for Executive Director Hammersmith? Commissioner Witjes?

>> COMMISSIONER WITJES: Just based on the analysis that Doug has given in the past for budgets.

>> MS. SARAH REINHARDT: Commissioner Witjes can you talk more directly.

>> COMMISSIONER WITJES: Sore comment is Commissioner Clark supposed to come back sometime today, correct? He is not, never mind.

>> CHAIR SZETELA: Commissioner Lett?

>> COMMISSIONER LETT: I would move to table the budget that we were planning on voting on until Commissioner Clark returns.

He had several questions about it.

And I think it would be fair to have the full Commission take a look at it, decide what they wanted to do.

So that would be my motion to table until the next meeting.

>> COMMISSIONER ORTON: Second.

>> CHAIR SZETELA: We have a motion to table did I hear a second, who was the second? I thought it was you, Commissioner Orton.

Okay never mind I was going to say we have a separate agenda item for the meeting so that is the only thing I would be concerned about so why any discussion or debate to table this until our next meeting which I believe is December 16th.

>> MS. JULIANNE PASTULA: Madam Chair.

>> CHAIR SZETELA: Yes, General Counsel.

>> MS. JULIANNE PASTULA: Just the record to reflect the characterization of the motion to postpone to the next meeting.

>> CHAIR SZETELA: Next meeting let's vote on the motion to postpone the discussion of the updated budget until December 16th when Commissioner Clark will have returned.

All in favor raise your hand and say aye.

All opposed raise your hand and say nay.

Okay so we looks like Rhonda so it looks like the ayes prevail and we will be tabling this discussion postponing it until December 16th.

Okay so then we will move on to new business.

Agenda item 6A, attorney/client privilege Attorney General opinion and appointment of a committee to review legal decisions and positions.

All right so just to give some background looks like I get to facilitate this discussion.

So we have an Attorney General opinion.

We have all seen the media reports with respect to the closed session we had on October 27 as well as the two memos that preceded that closed session and one memo entitled VRA and the other one was longer but I believe it was historical I will look at it really quick, it was historical information.

So we have these two memos that are out there.

We had a closed session which was approximately an hour and 20 minutes long and since received an opinion from Attorney General Nessel with respect to our decision to withhold those from FOIA requests and otherwise not release them to the public on the basis of attorney/client privilege and so at this point I think we have some decision making to make with respect to whether we will continue to withhold those memos or whether we intend to release them and then also I think we have a separate issue with respect to the hearing itself and whether we are going to open that up to the general public or whether we are going to maintain that the hearing itself will continue to be subject to attorney/client privilege does anyone have any comments or thoughts on the matter? Commissioner Lett did you have a comment?

>> COMMISSIONER LETT: Yes.

I ask I requested that the item be brought before us on the release of the memorandum on the voting practices in the State of Michigan which is what it was historically with minority voting.

I will say at the time prior to us reviewing that and going into closed session it was not my desire to do closed session.

However, upon further conversation, I did agree to do that.

Once we went into closed session and review of the memorandum that was presented by attorneys, and I will say the memorandum was a historical in nature.

There is nothing in it that I consider privileged.

Nothing that was -- that I would consider litigation strategy.

It was items that I considered to be things that we should take into account when drawing voting lines, drawing districts.

The discussion that took place during that meeting was of a similar nature.

Us Commission asking questions.

We have since had a letter from signed by all of our counsel, setting forth reasons that we should not release the memo, which is really a historical document.

And/or the tape of the conversation.

Now, clearly the privilege that was discussed in the letter from the attorneys supports the position that they should not be released as I take it from reading that the reason being that we would be setting some type of precedent that the Commission would be releasing in the future or would be forced to release in the future items that perhaps rose to a higher level of attorney/client privilege or privileged material.

Clearly, that letter established that the privilege is the Commission's privilege, not the attorney's privilege.

And in other words, we, as the Commission, are the ones to say that this is privileged. We don't want it out there.

Or this isn't privileged and we do want it out there.

My position is that number one, I think the letter that was presented by the attorneys is accurate in their recitation of what attorney/client privilege is.

However, I do disagree on one point, and that is each issue that comes before us, that is a claim of privilege is fact specific and needs to be dealt with as they arise.

And therefore, there is no precedential value to any particular action we take on any particular claim of privilege.

So we're not setting a precedent either way, whether we say we want this released or whether we say we don't want this released.

So for those reasons quite frankly, and I will make the motion at the appropriate time since it is further discussion that this was a discussion item, to release the information not only the memo but the recording.

There was nothing in there that I believe was privileged.

There was quite a bit historical comment in the paper that showed how Michigan had dealt with historically discriminatory voting in the past from the civil war forward.

And should be known.

We undertook to have that information presented to us in order for us to make decisions on drawing districts which is exactly what the constitutional amendment says we should be out in the public with.

They passed that amendment and we've heard it time and every time we have a meeting, we are reminded that 61% of the voters wanted an open and transparent process and we shut that off.

And whether you think that Attorney General's opinion with her assumptions is correct or not, until some higher authority says something different Attorney General's opinion in Michigan are in fact, to be followed.

So that's my position.

>> CHAIR SZETELA: Thank you Commissioner Lett.

Does anyone else have any comments or concerns? Any discussion points?

Commissioner Eid?

>> COMMISSIONER EID: One moment.

So I have a few questions actually.

Before any motion is put forth or anything like that.

Because I'm not a lawyer.

So I would just like some clarification on something.

The first question I have is who actually holds this privilege? Is it the Commission as a whole? Is it individual Commissioners? So that is my first question.

>> MS. JULIANNE PASTULA: Madam Chair.

>> CHAIR SZETELA: General Counsel.

>> MS. JULIANNE PASTULA: Thank you so much Madam Chair and good afternoon to the Commission.

Yes, to answer Commissioner Eid through the Chair, I've consistently indicated that the privilege rests with the body and that formal action for the body would be needed. And at the appropriate time, your legal team would like to make some comments as well.

But we are open to answering Commissioner Eid's questions.

>> CHAIR SZETELA: Commissioner Eid?

>> COMMISSIONER EID: My next question is in regard to future legal discussions. Irregardless of whether we decide to release those memos or not.

And the question is if we release those memos, will our legal team still feel confident in giving us the most candid legal advice or will it create a situation where they might be like they are unable to do that? I agree with what Commission Lett said that no matter how we vote today I don't think it sets a precedent to how we may vote in the future of issues of attorney/client privilege but I would like the opinion of our legal team on that question.

If they would still feel comfortable providing us with the most accurate and legal candid advice.

Regardless of how we vote on this.

>> CHAIR SZETELA: General Counsel?

>> Kate Mcnight as litigation counsel and I know we have local counsel here with Mr. Fink and VRA counsel here with Mr. Adelson, they are also present remotely so they can answer your question as well.

I can answer your question definitively that if the Commission decides to waive attorney/client privilege our ability to give you counsel and incoming litigation will be hampered.

And that is an understatement.

But just to answer the question that you asked, yes, our ability to give you counsel and work with you and give you attorney work product and give you candid advice and develop litigation strategy will indeed be hampered and I'm happy to other, there are a few other issues I can comment on but I want to make sure we address your questions first.

>> CHAIR SZETELA: So I have a follow-up on that.

Because I think there has been a lot of grouping of our legal team together and I think, and if I'm incorrect on this someone please correct me, that the attorney/client privilege in this instance where we have four separate groups of attorneys, so we have our General Counsel, Julianne Pastula and Baker Hostetler for specific counsel and Fink Bressack hired under a separate contract to provide local litigation counsel and FOIA support as needed and lastly Mr. Adelson who has been hired once again a separate contract to provide legal advice related to the Voting Rights Act.

My understanding, and certainly like I said chime in if I'm wrong the attorney/client relationship is distinct and we may make decisions with respect to Mr. Adelson's memorandum with respect to the Voting Rights Act and the contract he was hired under would not equate to any sort of waiver with respect to Fink Bressack or with respect to Baker Hostetler and the reason why I say a distinction is because those secondary contracts with the outside firms are under very different circumstances.

Mr. Adelson was hired as a voting rights attorney to help us in the process of drawing maps Fink Bressack and Baker Hostetler were hired for a different purpose which is litigation and defense.

And I have not seen to my knowledge any situations where Fink Bressack or Baker Hostetler except for today obviously you guys are here where we have had either of those firms coming in giving us legal advice in meetings.

I feel like the VRA analysis has been quite different and therefore I feel that we need to make a distinction between the different attorney/client privileges that are out there because they are not the same.

And a waiver potentially as to something produced by Mr. Adelson who is with a separate company and separate contract and separate relationship with the Commission would not necessarily equate to some sort of waiver with respect to our litigation counsel where we have a very different relationship and a very different level of interactions.

So if someone could address that question, I think it would be helpful for everybody because I think that letter that we received sort of clumped everybody together and one waiver is a waiver of everything else and I don't think that is supported by Michigan law or any other law under attorney/client privilege.

>> MS. JULIANNE PASTULA: Madam Chair I will be happy to start that, that response.

So no your legal team is one team.

And while different writings have come from different members of the legal team, there is one attorney/client privilege.

And as the Commission is discussing waiver of certain specific memos, that that translates into the potential for future waiver or future consideration of waiver of your attorney/client privilege with your legal team.

So as your General Counsel my role is to facilitate your legal team and the response to your legal issues.

So I would definitely not agree although I respect your opinion, I would definitely not agree that we are somehow siloed or that there is some discrete, while there is discrete roles and expertise we function together as the MICRC's legal team.

The letter really encouraged the Commission to take a step back from the present issue of course as you so accurately noted when you gave the background for this discussion, the present issue is the VRA memos.



And I would also say that both memos dealt with an analysis of the applicability of cases in order to guide the Commission.

And provide that context to the Commission.

But returning to the letter, the letter, taking a step back, it looks at the attorney/client privilege more generally and it looks at more broadly than the question just before the Commission.

So I would like to, again, encourage the Commission to see your legal team as one with any of its members ready to step forward and address the issue most appropriate at hand.

And I'll defer to Kate if she had something she wanted to add.

And again she already noted that we have David and Nate Fink from Fink Bressack as well as Mr. Adelson participating remotely that are also available to answer the Commission's questions.

>> Kate: Thank you let me add on and agree with the idea and it's an idea of organizing in a siloed way but that is not the way that the attorneys work together as a team.

And I will assure you that those Voting Rights Act memorandum feed into litigation counsel.

Right? So there is not and we sought through this there is not a clear dividing line between the memos what memos do not go into part of litigation counsel and what memos do.

It all feeds into it.

And if you can bear with me, I think you know when I look at those Voting Rights Act memos, I see attorney/client work product and I see privileged communications.

And I think it's important to know, a few points because I've heard a reference to the Attorney General opinion.

I want to note when you do a privilege review, it's not done in the abstract.

It's done by looking at the document at issue.

How it's being used by the client, where it fits in to the process of the client's work.

You the client the Commission has known from the beginning that you have a risk of litigation.

That's why I'm here.

You have also known from the beginning that you have a risk of litigation relating to Voting Rights Act compliance.

That is why you hired Mr. Adelson that is why you hired us to work with him as part of a team.

As I understand it the Attorney General's opinion is not based on a specific review of the memos because the Attorney Generals did not have the memos at hand.

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Now I also heard a concern about the constitutional amendment, right? Michigan is doing something very new and very special candidly with this constitutional amendment there has been a lot of thought in it.

And as Commissioner Lett mentioned we have 61% of voters who voted for that amendment.

When I look at that amendment I see repeated references to the Commissioners attorneys, right? The amendment considered and knew that the Commission would need counsel of attorneys.

Something I do not see in that amendment is any reference to a required waiver of attorney/client privilege.

And that makes sense, right? Because if you're going to offer attorneys without protecting, without the protection of attorney/client privilege, it's akin to know counsel at all.

Now some of you here have had the good fortune to not need litigation counsel in your life.

And that is good fortune for you but I will tell you that in litigation attorney/client privilege forms the bed rock of this adversarial process.

It protects the communications, not only the communications you have with your lawyer, not only about strategy but about anything related to the litigation.

It also protects any work product.

We are not just talking about briefs or drafts of briefs.

We are talking about research memos, we are talking about e-mails, the privilege protects it all.

And the reason is because it is an adversarial process where the other side, both sides, there is a phase of litigation called discovery.

Where facts are put into the ring.

But you're not allowed to put privileged information into the ring that is not permitted.

That is protected information to protect this crucial relationship.

When you get to -- so what does -- and pardon me for this reference we were talking about football over lunch it's akin to giving the other side your play book, right? If you're going to go into a litigation and reveal memorandum that formed the basis of decisions and forms the and feeds into litigation counsel, you're giving the other side a play book into what decisions were made or not made.

It's very dangerous.

And so what does it do? I talked about what it protects.

Without protecting this information, if a lawyer comes into a room with you and cannot trust that the information will be protected, the lawyer will not be able to give you a candid advice about what your courses of action, what your options are.

Right? Because, again, it's like giving a play book to opponents in this adversarial process.

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I think now is the right time to be talking about privilege.

You have just come through a really detailed process of public comment, transparency and I commend the Commission, I commend all the work you have done.

I commend all the members of public who have stepped forward and offered their opinion.

I think there were nearly a hundred this morning.

It's really impressive.

We are now at a point where we are preparing to pivot to litigation.

And I want to encourage you to take this pivot seriously.

It won't be comfortable.

Because fights are coming down the road.

You have already heard about them coming down the road.

But the last thing we want to do is create a self-inflicted wound where we waive our own attorney/client privilege or even invite a Camel's nose in the tent and start releasing what we view as attorney/client work product.

Because it creates a problem for us that we don't need to have.

And it violates a right that we have that's protected as Commission you have this right.

And you have it until you waive it.

So I heard the term precedent.

It's less about precedent and more about waiver that we are concerned.

A few more points if you can bear with me.

To the extent there is a concern about transparency, this has been an incredibly transparent process.

I hope you know that.

Attorney/client privilege is a right under law.

You are entitled to it and there is no negative inference for you using it.

What do I mean by that? In real speak what does that mean? It means there is no legal harm in protecting your attorney/client work product but you invite great harm when you start to release it.

Now, the final point and I'm happy to talk further but I hate to grandstand with a microphone.

The thought that this will ease pressure by releasing memos I want to encourage you to rethink that notion.

If you think for a minute that releasing a few attorney/client privileged memos will somehow ease pressure on this Commission on release of materials you would be wrong.

It's only going to increase.

So I stop there.

I want to encourage others to speak.

Thank you for your time, Madam Commission.

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>> CHAIR SZETELA: I believe I saw Commissioner Witjes but Commissioner Lett did you have your hand up as well?

>> COMMISSIONER LETT: I did.

>> CHAIR SZETELA: Go ahead Commissioner Witjes.

>> COMMISSIONER WITJES: This is either for David or Nate Fink.

Thanks for being here.

Can I get your opinion on this, please?

>> David Fink: Thank you and I agree 100 percent with what you have heard so far from counsel.

And I want to follow-up more directly.

This basic concept or question suggestion that there is something wrong with asserting the attorney/client privilege I've been litigating for 44 years.

I've never been involved in a case in which one party disclosed to the other party their communications between the lawyers and the clients.

It would be an extraordinary thing to do.

And it would be effectively taking away your ability to get good counsel.

We were asked the question would we give the same candid advice if it would have to be disclosed to the attorney/client privilege.

I can absolutely answer that question.

We would not because it would be against your interest to receive that advice in a public forum.

Because if you receive -- we heard the reference to the play book.

If we stick with football, it's like inviting the other team into your huddle.

They know exactly what your play is and know exactly why.

But here we have something more.

You are making decisions but you're being told what the legal ramifications of those decisions are.

You're not in litigation.

But you absolutely all anticipate that someone will bring litigation.

If you open the flood gates and expose all of these communications, you will be really crippling your attorneys in the ability to defend these cases.

I want to point something out.

Earlier today in the early comments, Mr. Miles referred to the secret document.

Disclosure of the secret document which gave it some kind of a nefarious sound.

There is nothing wrong or Nefarious about lawyers providing attorney/client memoranda.

We do it every day with all of our clients and our clients rely on that advice without disclosing it.

And by the way it gives clients the ability sometimes to disagree.

We will tell a client well, you can do this but there are some litigation risk in doing it.

Many clients say okay, we will go forward and do it and take that risk.

But if that memo becomes public, we've now told the other side and a future Judge that maybe they -- you're doing the wrong thing.

So you really take on tremendous risk.

I agree 100% with what has been said.

And I also do think I should comment on one other thing.

This has been a remarkably open and transparent process.

I'm kind of old.

I've been involved in politics actually since the late 1960s.

I can't tell you the number of hearings and political processes I've been involved in as a lawyer and as a someone who is interested in politics.

I have never seen an important political process handled so well and handled so openly.

This is a remarkable, remarkable opportunity to see real democracy in action in a beautiful way.

And for that to work, you need to be able to be represented but I counsel just like everyone else.

I do want to comment about one thing about the Attorney General's opinion because I think this is important.

The Attorney General notes appropriately that the Constitution states that the common law is not aggregated by the Constitution.

The Constitution does not repeal the common law.

Not unless it's something in the Constitution that is directly contrary to the common law.

So even though the Constitution says that these proceedings will be open, that does not take away the attorney/client privilege.

And the Attorney General talks about the attorney/client privilege appropriately because it is such an important privilege.

She didn't say you don't have the attorney/client privilege.

She said understandably that by the titles of the memos it was possible that these memos, in fact, are not the type of memos that should be confidential.

But she did not receive copies of them and she can't speak to the substance of what's in these memos.

As your lawyers we advised you these memos are privileged attorney/client communications and should be handled that way.

So we are not disagreeing at least I'm not, I have not heard anybody say we disagree with the opinion of the Attorney General.

It's very well written and raises some very good points.

The point though here is that ultimately based on the actual information we are talking about, this is attorney/client communications.

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One Commissioner earlier made a comment about a reference to distinction between the advice from VRA counsel and the advice from litigation counsel as though those are distinct.

No, VRA counsel gave you advice that could ultimately save you from being in litigation. Litigation is always anticipated when lawyers are giving you advice.

We don't say to a client this is your advice for litigation and this is your advice if there is no litigation.

We just give you advice.

And you have gotten good advice but in the end the most important advice you are getting which is perfectly public and the whole worlds us doing this is you have a right to protect your ability to serve as a Commission by receiving confidential attorney/client communications and keeping them confidential.

If you have any other questions, please let me know.

>> CHAIR SZETELA: Thank you Mr. Fink.

Mr. Lett did you have a follow-up or are you good? I'm not either but I will let you go first.

Do you have your mic on?

>> COMMISSIONER LETT: Yes, I have a question and any of the attorneys can, any of the legal team can respond if they wish.

Is the legal privilege exercised on a case-by-case basis?

>> David Fink: Would you like me to respond to that.

>> COMMISSIONER LETT: Any lawyer we hired can do that, I think.

>> David Fink: Maybe General Counsel.

>> MS. JULIANNE PASTULA: I will start and give the team an opportunity to weigh in as well.

Briefly, the and I made the point the team made the point in the letter and during open meetings that the amount of privileged communication that has been provided to the Commission has been very thoughtfully done and very sparingly done.

I always use the example I worked with an attorney who anything they wrote they put privileged and confidential communication on to their clients, nothing.

Lunch plans, a question, and that I do not condone that approach and thankfully the members of your legal team do not condone that approach.

So the documents and the memorandum that are available for public consumptions are presented and public and available on the Commission's website.

And the select documents that are not available on the website are for again as Ms. Mcnigh indicated they are privileged.

They are attorney work product.

And they feed into the anticipated litigation.

And again I open it and welcome any other member of our team.

>> David Fink: If I may I think I would like to respond because I think the gist of the last question is, is the attorney/client privilege waived on a case-by-case basis.

And the answer is we don't have that luxury.

First of all we don't know what cases are out there.

We don't know what cases there will be. But once you waive the attorney/client privilege in most contexts and again I have to be careful what I say here because in the future I'm going to do everything I can to protect your privilege in no matter what you say or do, I'm going to tell the Court you didn't waive the privilege.

Every way I possibly can because I don't want you to waive the privilege.

That said, it's a very, very slippery slope, very dangerous.

And once the privilege is waived in one case, that is a genie excuse me for mixing the medical that is a genie you can't put back in the bottle.

>> COMMISSIONER LETT: Why not.

>> David Fink: Once you waive the privilege you waive the privilege.

>> COMMISSIONER LETT: If we waive the privilege in this case this instance it has waived it for now until all litigation is over that may arise in this Commission is that what you're saying?

>> David Fink: Yeah, I love that question because it allows me to make the point a little more clearly.

I would argue on your behalf, in Court that your waiver was only in that one case, that your waiver shouldn't apply in another case.

That's what I would do.

And today, if I answer your question by saying if you waive the privilege in one case you're waiving it in all cases, that can be used against you later because I just gave you that advice.

I'm not giving you that advice.

But if I gave you that advice in an open forum that can be used against you.

That can be an admission against you on whether there is a waiver.

The fact is it's a dangerous, dangerous slippery slope.

And any kind of waiver is dangerous and having said that, I will fight as hard as I can on your behalf to say that whatever waiver you made was either unintentional, uninformed or that it didn't really extend to whatever purpose somebody else wants to use it for.

I wish I could tell you I would always win that argument.

>> COMMISSIONER LETT: I'll yield.

I've got more questions but I will yield.

>> CHAIR SZETELA: I have a follow-up and here is my concern and I will tell you honestly I'm stunned at some of the comments I'm hearing about there not being an individual privilege between the Commission and Baker Hostetler and the Commission and Fink Bressack and I'm going to tell you why I'm stunned by that because it's not

typical in the legal industry to view things that way, there is a relationship between the attorney and the client.

We are the client.

The companies that we hired are the attorneys.

And I would not consider the legal team to be a blending of those groups together where the privilege is somehow not individualized.

And I think the danger with that position that our attorneys are taking is great.

And the reason why I think it's great is because number one I don't think these to memos in particular are attorney/client privilege and the reason I don't is I think we have waived privilege and the reason why I think that and you know I don't mind saying this because I know we have very, very smart, very capable attorneys working for the press who are going to catch on the fact and who are following the process and I'm not pointing out anything they are not going to be aware of but on June 15, 2021 we received a PDF from Mr. Adelson called redistricting and race which was 44 pages long about the Voting Rights Act.

We discussed that presentation in detail on the record openly publicly transparently.

We also received on September or July 9, 2021, a separate PDF, 54 pages long DOJ Constitution.

Also extensively covers the VRA discusses the law, discusses how to interpret it and discusses what we need to do in drawing the maps.

I think that the fact that that happened, that there was advice with respect to the VRA, there was advice with respect to how we need to interpret it when we are drawing the lines, is problematic when it comes to these later memos on the same topic from the same attorney.

I agree with Mr. Fink once you waive a privilege you can't unwaive it.

You can't partially waive a privilege.

There are some states that allow you to do that.

Michigan is not one of them.

The 6th circuit is not one of them.

And so the fact that our legal team is taking the position that all of our attorneys are one attorney with one privilege is deeply concerning to me because I'm very concerned there already has been a waiver which is why I don't have any problem releasing these memorandums. But if we take the position, we have one legal team and that they all rise and fall together, I think we have put ourselves into a very, very dangerous position with respect to our ability to preserve the waiver going forward.

And I do want to say with absolute clarity that I think that our relationship with Fink Bressack and relationship with Baker Hostetler is separate and that privilege is separate, that interactions that have occurred between the Commission and will incur in the future are separate and do not think they are one single lumped team and I'm very concerned about the positioning that our legal team is taking with respect to the



privilege because we have openly transparently discussed these very same issues with the very same attorney in the past.

>> Madam Chairwoman I think there has been a fundamental misunderstanding and because of what you discussed it's worth spending a moment on something that is called joint defense agreements.

So I'm not sure if you're familiar with this.

But often in litigation you have teams of lawyers working together, right, so I heard you have a concern about never seeing this and lawyering and I just want to reassure you that this is very, very common to have this kind of team working on your behalf.

I think when you're talking about the privilege, it's let me reorient the discussion a little bit.

Because the way this will approach a Court is not by are these three separate teams of lawyers or are they one? That is not the question that would go before a Court.

The question that would go before the Court would be is this document privileged? Is this communication privileged? Whatever it may be.

And in as Mr. Fink described in that instance you're not -- the Court is not there to decide whether it's one team of lawyers or three, it's there to decide whether that communication is privileged.

And when you're there as lawyers defending the privilege, you're going to be marching through how the team works together.

How the VRA counsel is hired to provide counsel to the Commission.

Because it anticipated that it needed to comply with the V RA and that there would be VRA litigation.

And there would be a number of arguments and as Mr. Fink rightly noted we can't really go into many of the arguments here, right? Because this is an open discussion.

But I want to reassure you that joint defense work is incredibly common.

It has been every single case I have worked on.

And the question to the Court is not about siloing law firms and what is privileged between them or amongst them.

It's about is this specific document privileged.

And we will bring all the arguments to bear on that.

>> CHAIR SZETELA: Commissioner Wagner?

>> COMMISSIONER WAGNER: Hello thank you.

I just wanted to say I was against the closed meeting to begin with.

I voted against it as well.

I went to General Counsel the first day shortly after wanting to release the memos.

I think it's a good idea.

And my one question to all of the counsel is have these memos been circulated between all of the various counsels we have right now? So is everyone aware of what is actually in the memos? Since they are attorney/client privilege only?

>> MS. JULIANNE PASTULA: Thank you through the Chair to Commissioner Wagner, and I do recall that conversation, I appreciate you raising it. The attorney/client memorandum I provided a list so that the public would be aware of those documents and I did circulate them between your legal team.

>> David Fink: If I may to Commission Wagner, I think I heard in your question, I may have not heard it this way, but I think your question was asking is the sharing of that memo among counsel some type of waiver and the answer is absolutely not.

That is what the joint defense agreement is about.

We must be able to communicate fully among ourselves.

Michigan counsel and national counsel the litigation team we are not going to be operating independently.

I will be assisting with Baker Hostetler is doing on some matters and other matters we will be working separately but we need to have all of the information.

We need to have all of the information.

And so it's never a waiver of the privilege to share it with co-counsel if that is what you were asking.

>> CHAIR SZETELA: Mr. Adelson? You are on mute.

>> MR. BRUCE ADELSON: Thank you.

So it's good to see everybody again good to be with you.

I appreciate the opportunity to speak.

I'm going to speak very briefly and very cautiously.

I understand the discussion about the prior discussion about distinction between the memos at issue and what was discussed previously and I respectfully disagree that the information in the memos is the same or substantially similar or identical to what had been discussed publicly.

And just to again keep my comments brief I agree with the comments of my legal team colleagues today.

Very much appreciate the in-person presence of General Counsel and litigation counsel as well as the virtual presence of local counsel.

So I just wanted to make that point that I view the information differently.

I'm certainly not going to characterize the information because I do not want to get in any situation of any type of waiver, but I just wanted to weigh in on that point briefly.

Thank you.

>> CHAIR SZETELA: Any other comments, questions concerns? Brittini sorry Commissioner Kellom?

>> CHAIR KELLOM: Just really quickly, I agree with Commissioner Lett's original statement regarding our closed session not necessarily having anything that was nefarious or meant to be deceitful in any way.

However, I think really what I hear just in our discussion today and before it's kind of two separate issues, it seems to be this thought that maybe we made a mistake because of

the public pressure and there was something else or another way that we could have approached that situation.

And then also what I hear is if we decide to break this privilege, it could have a bearing on our counsel ability to number one protect us but to literally do their job in terms of strategy in the future.

And for me the latter is too great of a risk.

I think there is a way for us to kind of massage our own miserable spots as I like to say about the decision to have a closed session opposed to risking the future of litigation and the process and what else this could open us up to as individuals and as a Commission in terms of our privacies and you know folks have already been digging. So this just makes me very wary from a lot of stand points.

And would not be something that I support.

It's not that I think that you know I stand on this strong podium of oh, yeah, we talk about something that definitely needed to be in closed session.

I'm on the fence about that.

It's what a decision like this represents in the future and I tend to agree with what our counsel has shared in terms of you know, how they intend to move forward if we do make a decision like that.

I also am going to continue to have faith in the folks that we hired especially this late in the process.

I just think we do not have the time to kind of be picked apart all the wonderful work we have done to redistrict and stick together.

I don't think this should be the hill that we die on.

>> CHAIR SZETELA: Any additional comments? Commissioner Lett go ahead.

>> COMMISSIONER LETT: I heard if I can make one comment, I heard one comment about joint defense agreement I guess I would ask our General Counsel if we have entered into a written joint defense agreement with all of these attorneys.

>> MS. JULIANNE PASTULA: Through the Chair to Commissioner Lett, I know in this capacity you function as a Commissioner but as a semi-retired lawyer and a future life that you held you will note that joint defense agreements can be oral, certainly if that is something that the Commission would like in writing we can certainly prepare one.

But your legal team meets jointly.

We discuss the issues jointly.

And we submit our advice and discuss that jointly as a team.

So again the joint legal defense agreement is oral at this point and we would be more than happy to reduce it in writing.

Hopefully the letter demonstrated certainly the conversation today has demonstrated that your legal team is united in serving and protecting the MICRC.

>> CHAIR SZETELA: Commissioner Witjes or Commissioner Lett did you have a follow-up?

>> COMMISSIONER LETT: Yes.

Good.

I'm glad they are working on our behalf.

And I would expect that they would do that and I certainly would not expect that some people have used the word silo that the teams, the attorneys would silo themselves.

Obviously, there is cross over that is required.

There is one thing that is going to be certain on the outcome of this discussion, if we don't release this material, we will be sued.

And there will be litigation.

So I guess Mr. Fink's question ultimately if we don't release it will be answered.

>> MS. JULIANNE PASTULA: Madam Chair.

>> CHAIR SZETELA: Commissioner Witjes had a comment and then General Counsel.

>> COMMISSIONER WITJES: I was going to say I pretty much heard what I needed to hear so I'm going to make a motion to preserve attorney/client privilege and not release the two memos or the recording or audio of the closed session.

>> CHAIR SZETELA: Motion by Commissioner Witjes and seconded by Commissioner Vallette to not release the memos or the recording of the closed hearing, General Counsel do you have a comment before we ask more questions.

>> MS. JULIANNE PASTULA: I do.

I had the comment I would like to make and just a clarification as well, in response to Commission Lett's any individual could certainly has access to the courts and the ability to sue the Commission.

Your legal team would strongly advise again the position on attorney/client privilege is defensible.

It is warranted.

If someone would like to sue the Commission, then obviously they have access to the courts and are free to do so.

We strongly encourage the Commission to maintain privilege.

And we strongly encourage threats of litigation to not sway the Commission in that regard.

That was my comment.

And for the motion Madam Chair for it to be appropriately cast in a positive action the motion would be to maintain privilege on if I heard correctly the memoranda and the recording.

So the motion cannot be in the negative not to waive.

It would be the motion would be to preserve.

>> CHAIR SZETELA: So can we get clarification on that? Because I feel like that motion has an affirmation that we are deciding as a body that the documents are

privileged so it's actually bringing two issues into one motion and I don't like combining the memos and the closed session together as well.

>> COMMISSIONER WITJES: So we can do two motions then do one at a time?

>> CHAIR SZETELA: I think that makes more sense, yeah.

>> COMMISSIONER WITJES: So then the first one will be to maintain privilege and not release the memos that we are talking about today for voting rights act of the history of this Commission.

>> CHAIR SZETELA: Right the two memos and you are seconding again Janice, yes.

>> COMMISSIONER WITJES: So a yes to release and a no to not release.

>> CHAIR SZETELA: We have a motion to maintain privilege with respect to the and I'm going to read them off just for the record Voting Rights Act memo by Bruce Adelson October 14, 2021, and the history of discrimination in the State of Michigan and its influence on voting which I don't see a date on that one but I believe it's also October 2021 sometime.

Seconded by Commissioner Vallette.

A vote in favor means you are in favor of not releasing the memos.

Maintaining the confidentiality of them.

Commissioner Eid? Then we will do a roll call on this.

>> COMMISSIONER EID: Does it make sense to have a motion if passed will result in no action taking place? To me that doesn't make sense.

I think the motion should be do we want to release the memos or not and a yes would be to release the memos and no would be don't release the memos.

>> CHAIR SZETELA: Commissioner Witjes did you have a comment?

>> COMMISSIONER WITJES: That makes no difference.

>> COMMISSIONER EID: I guess that is my question does it make a difference for clarification?

>> CHAIR SZETELA: General.

>> COMMISSIONER EID: Are both motions acceptable from a procedure standpoint?

>> MS. JULIANNE PASTULA: The motion as made is demonstrating the Commission, the moving Commissioners' intent to preserve, not the intent to waive. And I acknowledge that the vote would ultimately determine waiver, but that the way it's presented has been selected by the mover.

>> CHAIR SZETELA: I would just add one comment before we vote just to comment that when you're taking actions to Court there is really no predicting how things are going to go and we did receive the Attorney General's opinion. And she took a more limited view. Than a Court might take.

In that she said she wasn't saying there weren't circumstances where we could still have attorney/client privilege but just she was addressing the presumptions based on these particular memos.

So just to kind of caution to everyone that if we do end up in Court in front of this we could end up with a very broad waiver of attorney/client privilege at the behest of a cost. So it's not like going to litigation is necessarily going to mean the memos will stay secret.

Commissioner Eid?

>> COMMISSIONER EID: Wonderful.

So just to be clear, yes on this motion would be to maintain the privilege, not release the memos.

A no vote would be to waive the privilege and release the two memos.

I want to make sure I have that clear then I have a discussion comment.

>> CHAIR SZETELA: I would characterize it a little different.

I would say a yes vote means we are just voting not to release the memos, not necessarily that a no vote means we are saying release the memos.

Does that make sense?

>> COMMISSIONER EID: Yes.

>> CHAIR SZETELA: Okay anybody else have any concerns about that? All right so yes if you're in favor of keeping the memos secret.

No if you are not okay with keeping them secret would be the way I would describe it.

>> COMMISSIONER EID: My discussion point is I'm a little torn on this to be honest.

On one hand this whole thing has become an unfortunate distraction from our maps.

And you know the narrative has changed instead of being focusing on our work product which are the fair maps that we've created for the State of Michigan you know, it's changed the focus on this topic of this meeting.

On the other hand I do agree with what Commission Kellom said about our lawyers and I do fully believe they have the Commission's interests at heart.

You know, those are two things to weigh when voting.

>> CHAIR SZETELA: I'm sorry.

>> COMMISSIONER WITJES: I got to change this because in this particular case if there was a tie they would be released.

>> CHAIR SZETELA: I don't think so it's just a motion not to release.

I don't think that would.

>> COMMISSIONER WITJES: If it fails, they would automatically release.

>> CHAIR SZETELA: Is that accurate General Counsel.

>> MS. JULIANNE PASTULA: Much like the letter we will take a step back from the issue.

So and really to get some more clarity because I'm very concerned about the Chairperson that a no would be not to release either what the vote is before the

Commission as I understand it is that the Commission is determining whether as a body it's choosing to waive the attorney/client privilege communication on the two VRA memos that were listed, that you're either in support of maintaining the privilege or you are in support of waiving the privilege and releasing the memos.

And I would also again there are no secret memos, there are no -- this is an appropriate, a common occurrence between clients and their lawyers, there is nothing wrong with attorneys communicating confidentially with their client, in this case the body is our client, so again taking a step back from the view of if the Commission -- if the Commission elects to waive privilege in this instance it severely hampers your ability for your attorneys to communicate with you in writing and in I guess we will see for the subsequent motion how our ability to discuss things verbally with you, again, as a body is impacted.

But again I think we really need clarity on what the intent of the result of the motion is to release the documents or to not release the documents.

The waiver is a fancy word for release.

So if we need to just say release then let's use that word but we need to be very clear on this vote.

>> CHAIR SZETELA: I thought your motion was to not release the memos, that is literally what I wrote down motion to not release memos.

That is your motion.

What? We have 12 people, yes.

>> COMMISSIONER WITJES: Hold on I'm thinking real quick.

>> CHAIR SZETELA: Why don't you do it an easier way.

>> COMMISSIONER WITJES: Change the motion to.

>> CHAIR SZETELA: Why don't you withdraw your motion.

>> COMMISSIONER WITJES: Withdraw the motion and do this.

>> CHAIR SZETELA: And make it a positive.

>> COMMISSIONER WITJES: There we go so I make a motion to release the memos.

>> CHAIR SZETELA: There you go.

>> COMMISSIONER WITJES: Is that better.

>> CHAIR SZETELA: If it fails the opposite is true.

Okay so we have a motion by Commissioner Witjes to release the memos entitled Voting Rights Act October 14, 2021, by Bruce Adelson history of discrimination in the State of Michigan by Bruce Adelson with no specific date but I believe October 2021. Seconded by Commissioner Vallette so to restate the motion we have a motion to release the memos meaning you vote yes you are in favor of releasing the memos if you vote no you are not in favor of releasing the memos.

Any additional discussion or debate on the motion? All right General Counsel.

>> MS. JULIANNE PASTULA: I just wanted to thank you for that clarity.

>> CHAIR SZETELA: Let's go ahead and vote and Ms. Reinhardt we are going to ask for a roll call.

>> MS. SARAH REINHARDT: Please indicate your motion with a "Yes" or "No" once more if you indicate yes that is a vote to release the memos.

A no vote indicates you do not want to release the memos.

I will call on Commissioners in alphabetical order starting with Steve Lett?

>> COMMISSIONER LETT: Yes.

>> MS. SARAH REINHARDT: Cynthia Orton?

>> COMMISSIONER ORTON: No.

>> MS. SARAH REINHARDT: MC Rothhorn.

>> VICE CHAIR ROTHORN: No.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> CHAIR SZETELA: Yes.

>> MS. SARAH REINHARDT: Janice Vallette?

>> COMMISSIONER VALLETTE: No.

>> MS. SARAH REINHARDT: Erin Wagner?

>> COMMISSIONER WAGNER: Yes.

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: No.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: No.

>> MS. SARAH REINHARDT: Juanita Curry?

>> COMMISSIONER CURRY: No.

>> MS. SARAH REINHARDT: Anthony Eid?

>> COMMISSIONER EID: Yes.

>> MS. SARAH REINHARDT: Brittini Kellom?

>> CHAIR KELLOM: No.

>> MS. SARAH REINHARDT: Rhonda Lange?

>> COMMISSIONER LANGE: Yes.

>> MS. SARAH REINHARDT: By a vote of 5 yes to 7 no, the motion does not carry.

>> CHAIR SZETELA: Okay go ahead Commissioner Witjes.

>> COMMISSIONER WITJES: So to follow-up in the same manner make a motion to release the recording and audio of the closed session that was held on October.

>> CHAIR SZETELA: 27 I believe.

>> COMMISSIONER WITJES: 26, 2021.

>> CHAIR SZETELA: Motion by Commissioner Witjes to release the recording of the closed session from October 27, 2021.

Seconded by Commissioner Vallette.

Any discussion or debate on the motion? Anthony?



>> COMMISSIONER EID: Since the live recording of that meeting contained you know information about the privileged memos that we just decided not to release, is that an appropriate vote to take?

>> CHAIR SZETELA: I don't see why not because it's still an open question.

>> COMMISSIONER EID: Well why not would be because let's say this vote is voted yes to release the recording of that meeting, that meeting then contains the memos that we just voted no not to release.

>> CHAIR SZETELA: It does not contain the memos though.

I mean we've had many times where we have had other confidential memos and had discussion, you know, not necessarily going over the memo discussing it, I don't mean to imply that because that would not be accurate but later discussions after having received them.

So I see them as distinct.

I don't think anyone pulled up the memo and read it off during the meeting.

>> MS. JULIANNE PASTULA: Madam Chair.

>> CHAIR SZETELA: Yes.

>> MS. JULIANNE PASTULA: Commissioner Eid raises an important point is the basis for the closed session is the memos which the Commission already voted on. The content of the memos and the advice presented by counsel, again, we maintain is privileged and that the Commission holds that privilege and we strongly recommend that it not be released similar to the decision with the memos, thank you.

>> CHAIR SZETELA: Any additional comments? Okay let's go ahead and vote and Sarah Reinhardt can you have a roll call and the motion is to release the recording and audio from October 27, 2021, a yes is in favor of releasing that recording, a no is a vote against releasing that recording.

>> MS. SARAH REINHARDT: Thank you Madam Chair.

Commissioners please indicate your vote with a yes or a no.

I will call on Commissioners in alphabetical order starting with Cynthia Orton?

>> COMMISSIONER ORTON: No.

>> MS. SARAH REINHARDT: MR Rothhorn?

>> VICE CHAIR ROTHORN: No.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> CHAIR SZETELA: Yes.

>> MS. SARAH REINHARDT: Janice Vallette?

>> COMMISSIONER VALLETTE: No.

>> MS. SARAH REINHARDT: Erin Wagner?

>> COMMISSIONER WAGNER: Yes.

>> MS. SARAH REINHARDT: I'm sorry can you repeat that Commissioner Wagner?

>> COMMISSIONER WAGNER: Yes.

>> MS. SARAH REINHARDT: Thank you.

Richard Weiss?

>> COMMISSIONER WEISS: No.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: No.

>> MS. SARAH REINHARDT: Juanita Curry?

>> COMMISSIONER CURRY: No.

>> MS. SARAH REINHARDT: Anthony Eid?

>> COMMISSIONER EID: Yes.

>> MS. SARAH REINHARDT: Brittini Kellom?

>> CHAIR KELLOM: No.

>> MS. SARAH REINHARDT: Rhonda Lange?

>> COMMISSIONER LANGE: Yes.

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Normally I would say yes but, in this instance, I'm going to say no because to vote yes on this would be inconsistent with the action that we just took.

And that makes no sense whatsoever.

>> MS. SARAH REINHARDT: By a vote of four yes to eight no the motion fails.

>> CHAIR SZETELA: Okay, all right, moving on to the next item of the agenda we had a discussion point it's actually within the same item, 6A a committee for legal decisions and positions Commissioner Witjes?

>> COMMISSIONER WITJES: So I would say that, that is not needed at all.

I feel like any kind of legal two reasons one it we don't have to have multiple meetings in the day prior where we would have to have audio visual or anything like that set up. Those would probably also if it becomes would it be correct in assuming that then for legal reasons those would be closed anyway? For the most part? So why would we need a subcommittee if we need to discuss legal things we can just get together and discuss it.

And let's say that it's not that case, I feel that we should all be together at one body at one particular time together discussing legal decisions personally.

>> CHAIR SZETELA: Any other comments, concerns? Steve?

>> COMMISSIONER LETT: I respectfully disagree.

In fact, I move that we do set up a subcommittee of two or three Commissioners to meet with legal counsel when they in fact are meeting.

I think we have, in fact, since we are using waiver today waived the Commission's right to direct the legal team as they have been called.

And have forfeited our oversight.

And in order to reestablish that, I think a Commission, a committee of two or three persons, I will even suggest that one of those be attorney we have two, and one or two be non-attorneys.

So that we are not stacking the deck against the legal team.

Which I doubt we can do since they obviously are a lot smarter than we are.

And I'm not saying that facetiously so don't take it facetiously.

But I think there is some oversight that we could -- we need to exercise as a Commission.

So that's my motion.

>> CHAIR SZETELA: I'll second it.

Any discussion or debate Commissioner Lange?

>> COMMISSIONER LANGE: I want to agree with Dustin.

If there is legal decisions to be made, I think it should be made as a whole.

I don't want it to come back secondhand.

I want to hear the conversation myself and make my own decisions, thank you.

>> CHAIR SZETELA: Commissioner Kellom?

>> CHAIR KELLOM: Well I would have to quickly say I don't really think we need a subcommittee.

It sounds like micromanaging or maybe that there is another issue that we could maybe avoid by having a separate group kind of banter and go back and forth with our attorneys just speaking very transparently because it makes me uncomfortable to do it in an open space so I can only imagine how that could escalate with the subcommittee. I would rather just hear it all as a group.

>> CHAIR SZETELA: So I think on that point we need to address then if that is the thought process, how we are going to do that because to date I mean we just all sat here and heard attorneys talk about joint defense agreement which I assure you none of the people on the Commission have heard of until today so we need to have a little bit more oversight with what is going on with our litigation team or our legal team because I feel like we don't have visibility right now and into decisions that are being made and that need for visibility is just going to increase as we start moving into litigation. And there are going to be decisions that are going to be made.

So either we are taking the position as a Commission that we are just letting our legal team do what they decide is best.

Or we are going to have more oversight and that is really what the subcommittee would be about is having a little bit more oversight as what is happening from a legal perspective.

>> COMMISSIONER KELLOM: We need to think about as we think as a Commission if that is necessary if we need that oversight.

I think that is really the decision before we decide to have a subcommittee, do we think that the legal counsel needs oversight.

I mean because the only other reason why that would be necessary to me is that if we think that there is a reason that they need to be double checked or fact checked and that is again needs to be done candidly.

And I think again being open we all have professions and things we are good of outside of the Commission and we hired a legal counsel to do their job in this instance we are Commissions first despite our other careers.

>> CHAIR SZETELA: Yes, General Counsel.

>> MS. JULIANNE PASTULA: Thank you so much.

Just for clarification, the proposal as I understand it being presented today would be to form a committee.

The committee would need to meet in open session.

And then it would make recommendations to take back to the full body.

So whether the full Commission decides whether that's workable or not I believe one of the discussion points was that the committee would participate in the legal team meetings for all of the reasons that we've been discussing collectively over the last period of time.

Again the legal team reporting back to the Commission, the legal team setting out and I think we are in this interesting space right now where litigation has not been commenced.

So when that occurs, your legal team will be discussing that litigation with the full Commission and as in the past when the Commission decided whether to file a petition, when the Commission selected proposed deadlines to include in that petition, those actions are Commission actions.

And so you know whether the Commission believes that a committee is necessary is that intermediate step.

And again you have experience with the hiring committees.

But I would offer that you may find that to be unworkable and that it might be cleaner.

And I would invite I know Kate is still with us and Mr. Fink is with us as well if they wanted to offer any comments as well.

>> David Fink: Kate first I'm sorry.

>> Kate: Go ahead, David, please.

>> David Fink: I wanted to comment because first of all obviously the functions of the Commission are not something they need my advice about, I'm not suggesting that whether you want or not operate with a committee.

I would say this though, the comment was made suggestion was made that the committee structure was necessary because some type of oversight of the attorneys had been advocated by the decisions that were made immediately preceding this discussion.

And I just want to be very, very clear.

It's exactly the opposite of that.

You got your oversight power.

You retained your oversight power.

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The Commission's oversight power was retained by protecting your right to have closed sessions and to receive attorney/client communications.

We are going to be very candid with you.

We will tell you exactly what you need to know so you're going to be able to be involved in making these decisions.

We don't ultimately make the decision on whether you settle or don't settle litigation.

Those decisions are made by you.

We give you the advice and the information that you need.

And I'm very grateful for the difficult decision that the Commission, I know it's a difficult decision with all of the public communications and concerns expressed by people who did or did not know all the details here and you really did the hard work of looking at that and making a tough decision today.

But once you made that tough decision you put us in a position all of us in a position as lawyers to really be able to represent you.

And do it in a way that you can control.

That you have the input, that you know what we are doing and you can tell us what you do or don't want us to do going forward.

And that is very valuable.

Now I think that it's also worth commenting briefly on the concerns, I think the concerns expressed about the joint defense.

To be clear, generally speaking a formal written joint defense agreement arises when there are multiple parties being defended by multiple law firms or even by the same law firm and you have to reach agreement otherwise your communications may be subject to public disclosure.

In this case, it is universally true that any time you have both local counsel and lead counsel handling a case, that is always a joint defense.

And you always share all the information.

You have otherwise your local counsel are really just folks who walk to Court with you and watch you argue.

So it's absolutely basic from the original RFP you put out when we were being asked to be local counsel, we were being asked to be local counsel sharing information on an appropriate joint defense process which we did here.

So I don't want to speak too much to the issue of the committee.

To me it sounds like a lot of duplication of effort because when you're going to have a closed session and those are going to be the sessions where we may have to talk about litigation some litigation strategy and imagine you won't want to do closed session without the full Commission but that is my personal speculation.

>> CHAIR SZETELA: Thank you Mr. Fink.

I think the context just to give some flavor to what the concern is, is that there is the feeling and I can't speak for everybody but I can speak for myself that as a

Commissioner I'm wholly unaware of what our legal team is planning and that there has been no direction from us with respect to the response to the legal team.

And that we are attempting to some of us want to have more control and more insight into what is happening.

And that really goes to the point about the joint defense.

And there have been other situations where this has popped up where we have had decisions being made by the legal team that the Commission has not voted on, has not conferred on, maybe one Commissioner requested it and the General Counsel took action on it without discussing it with other members of the Commission so it's really about having more visibility to what is going on so that we are aware.

And there does seem to be some lacking in that visibility and I can tell you having spoken to other members of the Commission too some people don't want that.

Some people have the viewpoint that Commissioner Kellom expressed hey we hired the lawyers and let them do their thing and not worry about it.

But whether we approve this committee or don't approve this subcommittee there is a desire on some part of the Commissioners to have more information about what is going on and visibility into it and I am personally into that bucket of wanting more information and feeling that I'm very much unaware of what decisions are being made.

And then reading about them in the newspaper and being surprised.

And so I think that is the impetus behind Commissioner Lett's motion.

I know I agree with that because I'm very uncomfortable with the sort of decisions being made and not being aware of them until I'm hearing about them later and that's really the purpose of the subcommittee.

Maybe that can be resolved without a subcommittee and maybe it can be resolved with better communication from counsel.

Commissioner Witjes?

>> MS. JULIANNE PASTULA: Madam Chair.

>> CHAIR SZETELA: General Counsel.

>> MS. JULIANNE PASTULA: Thank you so much with all due respect no decisions are being made.

And I believe that the request I disagree with that comment as well Commissioner Lett.

The decisions that were being made that I believe are being referenced are in regard to denial of records requests for privileged and confidential information.

It would be unethical for me to release privileged and confidential information without the authorization of my client.

The Commission adopted those procedures.

Those procedures are being followed in the event the procedures need to be amended, I stand ready and willing to do so.

But I work on behalf of the Commission, not individual Commissioners.

I have done so and I will continue to do so and I welcome communication.

I've been reaching out to you specifically numerous times in an effort to have a conversation.

So Commissioners know I'm available by phone, e-mail, text and I will continue to be available to all Commissioners at their convenience, thank you.

>> CHAIR SZETELA: So just to clarify I'm not talking about FOIA requests or the release of attorney/client documents.

It had nothing to do with that there are other specific incidents I'm referring to and I'm not going to get into in a public meeting.

>> MS. JULIANNE PASTULA: I look forward to talking with you about them offline.

>> Kate: If I may one additional point, we are eager to meet with you.

We have a lot to talk with you about so we are eager to do that.

So there is -- I'm grateful for the decision that was made today to protect privilege.

And I think I speak for Mr. Fink or Mr. Adelson as well that we are eager to meet and talk with you.

So thank you.

>> CHAIR SZETELA: Commissioner Witjes then Commissioner Eid?

>> COMMISSIONER WITJES: I was going to touch on what as you said with the committee.

I feel like it's double the work.

I mean if you have a committee of three or four people come together just to decide what they're going to bring forward to the full body it's up to the full body.

This is not hiring where we try to filter through 90 resumes to get ten of the best ones and say these are some of the ten that we think are the best person for the position.

This is legal strategy, litigation decisions.

This should be all 13 of us at once with our legal team.

I don't see the need for a committee for this.

It seems like it's just extra work.

It's going to take more time.

It's going to take more money in regards to set up.

Everything.

And I just don't see the need for it.

>> CHAIR SZETELA: I'm just laughing because never mind.

Because you're always the one let's work 24 hours a day but it's work time so I'm just chuckling go ahead Commissioner Eid and then Commissioner Orton.

>> COMMISSIONER EID: Commissioner Witjes' work ethic is something that should be commended.

I will motion to close discussion on this topic.

>> CHAIR SZETELA: Motion to end debate.

>> COMMISSIONER EID: Yes.

>> Second.

>> CHAIR SZETELA: Okay do we need to vote on a motion to end debate.

>> To thirds vote.

>> MS. JULIANNE PASTULA: Madam Chair two thirds vote sorry I did not put that in context I just.

>> CHAIR SZETELA: Let's vote on the motion to end debate all in favor raise your hand and say aye.

All opposed raise your hand and say nay.

Okay so the ayes have it.

So we are ending debate and a motion by Commissioner Lett and seconded by myself to appoint a subcommittee to monitor legal.

Do we want to just do a hand vote? Let's do a roll call, okay go ahead.

Miss Reinhardt, please.

>> MS. SARAH REINHARDT: Commissioners please indicate your support of the motion with a yes or a no.

I will call on Commissioners in alphabetical order to cast your vote starting with MC Rothhorn?

>> VICE CHAIR ROTHORN: No.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> CHAIR SZETELA: No.

>> MS. SARAH REINHARDT: Janice Vallette?

>> COMMISSIONER VALLETTE: No.

>> MS. SARAH REINHARDT: Erin Wagner?

>> COMMISSIONER WAGNER: I need clarification on which way this was going? Is it yes for a legal subcommittee or a no for a.

>> CHAIR SZETELA: The first option so yes is a vote in favor of a subcommittee.

>> COMMISSIONER WAGNER: No.

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: No.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: No.

>> MS. SARAH REINHARDT: Juanita Curry?

>> COMMISSIONER CURRY: No.

>> MS. SARAH REINHARDT: Anthony Eid?

>> COMMISSIONER EID: No.

>> MS. SARAH REINHARDT: Brittini Kellom?

>> CHAIR KELLOM: No.

>> MS. SARAH REINHARDT: Rhonda Lange?

>> COMMISSIONER LANGE: No.

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Yes.



>> MS. SARAH REINHARDT: Cynthia Orton?

>> COMMISSIONER ORTON: No.

>> MS. SARAH REINHARDT: With one yes and 11 no's the motion fails.

>> CHAIR SZETELA: All right thank you very much everybody.

So how late do we have this room because I think we are over our time already so I just want to make sure.

And we have 30 minutes at the end of the meeting times but the Commission may proceed beyond that if the body wishes and we would not have closed captioning or interpretation services.

>> CHAIR SZETELA: All right so we do have a few more items on our agenda but we are 30 minutes over our time.

So Commissioner Lange?

>> COMMISSIONER LANGE: Just to put it out there I would have to leave by 3:00 p.m. today.

>> CHAIR SZETELA: Okay, I think what we should do is just we will carry over everything else on the meeting agenda and we will.

>> COMMISSIONER LETT: I move to adjourn.

>> CHAIR SZETELA: We need a location for our December 28 and 29 meeting on the 16th, is that right? Mr. Woods go ahead.

>> MR. EDWARD WOODS: We need to vote for the location.

We have the City of Lansing but we don't have the place.

I looked at the Cadillac room.

I'm here in Lansing, it's in Rio town and they are available and I have it reserved if the Commission approves for the 28th, the 29th and the 30th just in case there is a snowstorm or something happens unexpected it is available at that location.

So I am -- would like to recommend that the Commission host the last meeting on Tuesday, December 28 at the Cadillac Room in Lansing Michigan starting at 10:00 a.m.

>> CHAIR SZETELA: Okay, can we get a motion on that? Are you asking us to approve the 28, 29 and 30 as kind of stand by dates as well.

>> MR. EDWARD WOODS: Sure.

>> CHAIR SZETELA: Motion made by Commissioner Witjes.

And seconded by Commissioner Rothhorn to approve meetings on December 28, 29 and 30 starting at 10 a.m. in the Cadillac room 11115 south Washington avenue Lansing Michigan.

Any discussion or debate on the motion Commissioner Lange I see you have your hand up.

>> COMMISSIONER LANGE: Are you saying we would just hold the 29th and 30th the actual meeting would be the 28th or are we scheduling full meetings those days.

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>> CHAIR SZETELA: It depends how quickly we get through with the work I think the 29th and 30th are holding but the we finished everything on the 28th I think we would be done.

All right, all in favor of the motion to approve those meeting dates raise your hand and say aye.

All opposed raise your hand and say nay.

All right at this point we are we had a motion to adjourn Commissioner Lett.

Seconded by Commissioner Witjes, any discussion or debate on the motion?

>> MS. SARAH REINHARDT: Madam Chair I would encourage the Commission to approve meeting minutes.

This meeting as well.

>> CHAIR SZETELA: The November 18th.

>> MS. SARAH REINHARDT: Correct.

>> CHAIR SZETELA: Okay let me find it, sorry, I'm looking.

Looking and looking.

Okay let's go ahead and move to approve the meeting minutes from November 18, held in Ann Arbor the draft minutes were provided to the Commission prior to the meeting and posted on the website are there any edits to the meeting.

I second the motion.

Held November 18, 2021, I made the first motion and Commissioner Witjes seconded all in favor raise your hand and say aye.

All opposed raise your hand and say nay.

All right the meeting minutes are adopted.

All right at this point we are going to go back to the motion to adjourn.

With Commissioner Lett seconded by Commissioner Witjes all in favor raise your hand and say aye.

All opposed to the motion to adjourn raise your hand and say nay.

All right the motion carries and the meeting is adjourned at 2:37 p.m.

Thank you very much everybody.