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MICRC

05/12/22 10:00 Meeting

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>> CHAIR ROTHORN: Okay, folks, it's 10:00. Good morning. As Chair of the Commission, I call the meeting of the Michigan

>> YVONNE YOUNG: You froze.

>> COMMISSIONER LETT: MC, if you can hear us, you froze up. I'm going to take over. Good morning, everyone. If MC comes back on, we will let him pick this up. But as temporary Chair of the Commission, I call the meeting of the Michigan Independent Citizens Redistricting Commission to order at 10:01 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@michigan.gov](mailto:Redistricting@michigan.gov) or for additional details for accessing language translation services for this meeting.

People with disabilities or needing other specific accommodations should also contact Redistricting at [Michigan.gov](http://Michigan.gov).

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.

This meeting also is being transcribed and those closed captioned transcriptions will be made available and posted on [Michigan.gov/MICRC](http://Michigan.gov/MICRC) website along with the written public comment submissions.

There is also a public comment portal that may be accessed by visiting [Michigan.gov/MICRC](http://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 Executive Director and at [WoodsE3@Michigan.gov](mailto:WoodsE3@Michigan.gov) or 517-331-6309.

I would request at this time that Yvonne Young call the roll.

>> YVONNE YOUNG: Good morning, everyone.

I'm going to call the roll for May 12, 2022, if you are present, please say present and if you are attending remotely or from the military, please share with us where you are attending from, the City, the county, would be great.

I'm going to start the roll.

Doug Clark.

>> COMMISSIONER CLARK: Present; attending the meeting from Huntington Beach, California.

>> YVONNE YOUNG: Juanita Curry.

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

>> YVONNE YOUNG: Anthony Eid?

>> COMMISSIONER EID: Present; remotely attending from Detroit, Michigan.

>> YVONNE YOUNG: Rhonda Lange?

>> COMMISSIONER LANGE: Present; attending from Osceola County.

>> YVONNE YOUNG: Steve Lett?

>> COMMISSIONER LETT: Present; attending from Interlochen, Michigan.

>> YVONNE YOUNG: Cynthia Orton?

>> COMMISSIONER ORTON: Present, attending from Battle Creek, Michigan.

>> YVONNE YOUNG: MC Rothhorn?

>> CHAIR ROTHORN: Present. Not attending for long. I'm going to sign off good-bye.

>> YVONNE YOUNG: Rebecca Szetela?

>> YVONNE YOUNG: Janice Vallette.

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

>> YVONNE YOUNG: Erin Wagner?

>> YVONNE YOUNG: Richard Weiss?

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

>> YVONNE YOUNG: Dustin Witjes?

>> VICE CHAIR WITJES: I'm present; and attending from Rose City, Michigan.

>> YVONNE YOUNG: 10 Commissioners are present.

And there is a quorum.

Thank you, Commissioners, with MC being out.

>> COMMISSIONER LETT: At this time MC has already explained what is going on with him.

His connection is somewhat suspect and he is also not feeling well and his family has tested positive for COVID.

Dustin, who is the Vice Chair it's my understanding has connection issues and has requested that I handle the meeting today; is that correct, Dustin?

>> VICE CHAIR WITJES: That is correct, Steve.

>> COMMISSIONER LETT: Okay, are there any objections from any of the Commissioners to my sitting in the Chair today? Hearing none, we will move forward with that

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The agenda has been previously presented to all the Commissioners.

Are there any at discussions, deletions or amendments to the agenda as presented?

Hearing none, I would entertain a motion to approve the agenda.

>> COMMISSIONER CURRY: Move for the agenda.

>> COMMISSIONER LETT: Moved by Juanita.

Seconded by Doug.

All in favor raise your hand and say aye.

Aye.

All opposed same sign.

The agenda is adopted.

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

Everybody will have to bear with me.

It's been a while since I have done this so I'm a little slow.

We are now up to public comment.

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

Yvonne, do we have people for public comment today? Or Edward or Sarah?

>> Yvonne young: Yes, we have people for public comment.

>> COMMISSIONER LETT: All right, Individuals who have signed up and indicated that they would like to provide live remote public commentary to the Commission will now be allowed to do so.

I will call on your name and the staff will unmute you. If you are on a computer, you will be prompted by the zoom app to unmute your mic and speak. If you 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 name or the last four digits of the phone number. Also please note if you experience technical or audio issues or we do not hear from you for 3-5 seconds, we will move on to the next person in line and then return to you after they are done speaking.

If your audio still does not work, you can e-mail at [redistricting@michigan.gov](mailto:redistricting@michigan.gov) and we will help you troubleshoot so you can participate during the next public comment period at a later hearing or meeting.

You will have two minutes to address the Commission. Please conclude your remarks when you hear the timer.

I will now turn it over to Yvonne to say who is first in line and to proceed with that person.

Yvonne please go ahead.

>> Yvonne young: Mr. Skinnell is first.

We are ready.

>> I'd like to stop for a moment and interrupt and share that Brittini Kellom has joined. Commissioner Brittini Kellom has joined.

>> COMMISSIONER LETT: Brittini if you let us know where you are joining from, we would appreciate that.

>> COMMISSIONER KELLOM: Good morning. I was going to say attending live, attending remotely from Detroit, Michigan.

>> COMMISSIONER LETT: We will take it you're alive, but attending from Detroit, very good.

>> COMMISSIONER KELLOM: Absolutely.

>> YVONNE YOUNG: Thank you, Commissioner Kellom.

First in line is Mr. Skinnell for public comment.

>> COMMISSIONER LETT: Mr. Skinnell.

>> COMMISSIONER ORTON: There is a note in the chat that says he is not present.

>> YVONNE YOUNG: I see it now.

Next in line is Mr. Gallant.

>> Hello, this is James Galant, Marquette County Suicide Prevention and these are my opinions.

And I'm going to give you a little summary of our case in controversy that is going to be presented for a review of the Michigan Supreme Court.

And as an example as right now, first and foremost I'm being denied right now, everybody is being denied our due process because Commissioner Lett figured he would just go in, step in and bully everybody by unanimous consent.

He said hearing no objection, just like the bully in the schoolyard.

If nobody objects, the deviant behavior is going to fly, so he just stepped right in.

Now the rules of procedure say that the Vice Chair is here so she has to Chair the meeting.

And that is the rule.

So that is our due process.

You're following a rule is my due process.

You have to follow your process for it to be my process, that is the problem.

And, you know, so now is Yvonne acting as the secretary today? Because she the secretary without a vote because Secretary Benson, of course, is not here again today, right? And she is AWOL and she is, you know, away without leave.

Nobody said she could leave and not be the secretary.

And, you know, this is just the problem, the bullying goes on when the floor is assigned and without emotion there is a second.

Robert's Rules of Order, Page 366, Line 8 requires no debate before a motion, so does the decorum. You have to have a pending motion.

And at the last meeting the Chair bullied the Vice Chair into facilitating the meeting when there was no issues before the Commission.

There was no motion.

According to your rules, that ain't even Roberts Rules, that is your specific rule that you're responsible for, that you made and you thought was so great.

That and then he bullied the rest of you, hearing no objections, see, nobody is agreeing, nobody gets a vote.

These are voting -- this is violation of their voting rights of the members of this Commission.

So we are talking about voting. This is about elections.

So this is a perfect example for the Supreme Court to come in. And they are having a hearing about you folks I think it's next week, so this is our issue.

>> COMMISSIONER LETT: Do we have others in line, Yvonne?

>> YVONNE YOUNG: We do not, that is public comment.

>> COMMISSIONER LETT: That concludes our public comment.

However, I would like to mention that all e-mailed and mailed public comments are provided to the Commission before each meeting. Commissioners are also regularly review the public comment portal on our [www.Michigan.gov/MICRC](http://www.Michigan.gov/MICRC) website. We appreciate everyone who offers public comment in whatever way you choose and invite you to keep sharing your thoughts especially if you would like to share ways that MICRC process or procedures have been good or could be more effective.

Next on our agenda.

>> COMMISSIONER SZETELA: Steve, I wanted to let you guys know I joined and joining remotely from Wayne County, Michigan.

>> COMMISSIONER LETT: Welcome, good to see you.

>> COMMISSIONER SZETELA: Thank you.

>> COMMISSIONER LETT: Okay, unfinished business A is dormancy discussion.

And we had at one time attorney David Fink, attorney Nate Fink, and I see Mike Brady is here also.

I'm going to turn it over to David since he is unmuted and the senior partner so he gets the senior Chair.

Go right ahead, David.

>> DAVID FINK: Thank you. I appreciate that.

Please, throughout this, I will be watching Nate to see if he makes a face that I'm incorrect, whether I should defer.

>> COMMISSIONER LETT: We can see his eye roll if he does that.

>> DAVID FINK: Good. Regarding the dormancy issue, we are not prepared to nor are we submitting a formal recommendation yet to the Commission.

I do want you to advise the Commission we've been in touch of course with Commissioner Lett and I think it's probably appropriate for me to note now initially I

wasn't certain how the process would work in working with the liaison for the Commission.

And I do want to say that it's been extremely constructive and very helpful to us to have that point of contact.

Not for decision making because there is no decision making going on there.

But making sure that we are fully informed and able to share information.

So I want to thank, I don't want to embarrass him but I want to thank Commissioner Lett for his terrific availability and help in that process.

>> COMMISSIONER LETT: I will do an eye roll now.

>> DAVID FINK: Okay regarding the issue of dormancy, I have to say this: Those of us who are attorneys and our view on this, in this meeting right now other than your representatives, I always enjoy interesting legal questions.

This is a specific legal question.

The Constitution in some respects are very clear in what should happen when the terms expire.

On the other hand, the purpose of the act and the policy implications, some of the specific statements in the Constitution and directives in the Constitution may be inconsistent and cause some concerns.

So we have reached out to the Baker firm for their perspective regarding some of the potential implications of our initial interpretation of the Constitution.

And we've had some discussion with Commissioner Lett.

We will be having some other discussions with others.

And but at this point we are not ready to render any kind -- we have also been in touch with the Secretary of State's office appropriately for their perspective.

I would say that fortunately this is not an issue that is as time sensitive as some others because dormancy or the retirement of any of the Commissioners by the constitutional directive can't occur until the completion of legal review.

And there's no question that it would be at a minimum several months, probably quite a bit longer than that before that occurs.

So that should give the Commission time to consider this and for us to be considering all of the various perspectives before any final determination is made.

So, with that, I'm happy to answer questions if people have them.

But we are not prepared at this point to make a formal recommendation.

>> COMMISSIONER LETT: Are there any questions? Comments? Nate, anything to add?

>> NATE FINK: No, I withheld any eye rolls.

>> COMMISSIONER LETT: Want me to do one for you again?

>> NATE FINK: That would be great thank you Commissioner.

>> COMMISSIONER LETT: Mike Brady, are you there with us.

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>> MIKE BRADY: I'm here, and I have nothing to add unless there are specific questions for me.

>> COMMISSIONER LETT: I did meet, we met yesterday, a Zoom meeting with David and Nate, myself and Edward.

And David has addressed what we talked about, summarized it very closely.

There certainly is questions about dormancy versus ending the Commission entirely, which probably is going to be the major contention and of course rapping up under either scenario will have to be addressed and is being addressed.

And as David said, you know, there is not a huge time constraint on this since probably the litigation is going to go on for my guess is a couple of years.

Perhaps David or Nate think it might conclude sooner than that.

But I feel that if it doesn't get summaried out and even if it does there will be appeals and once it hits the Supreme Court there is not going to be a huge rush in the Supreme Court to do anything in my opinion.

Plus after a couple of elections, one is coming up, soon, there may be additional suits filed, which we were all aware of, that possibility.

So we can be around for a while.

With those comments anybody have any follow-ups? Or questions? Good.

I want to thank David and Nate and Mike for the work that they have done on this. They certainly are keeping me informed as well as all of you informed.

And it's working out well, I feel, in their position as acting as our General Counsel on an ad hoc basis.

I think that has worked out quite well.

Okay, having unless there is something else, we will move on to the next report.

>> DAVID FINK: I can't help myself and have to say a quick thing when I referred to the Secretary of State, I should have been a little more specific how we appreciate the input we have had from Mike Brady.

He has thought through these things in a very sophisticated level and has given us very helpful insight throughout the discussion.

>> COMMISSIONER LETT: Don't encourage him. He will get a big head.

>> DAVID FINK: He is not on the video.

>> COMMISSIONER LETT: Anything to add, Mike?

>> MIKE BRADY: Nothing to add unless there are specific questions.

Thank you.

>> COMMISSIONER LETT: All right, thank you. Richard?

>> COMMISSIONER WEISS: I just have a quick question. Am I to understand there are three open suits right now? Or is it just two?

>> DAVID FINK: There are two open suits right now.

The original Supreme Court case is over.

But the Banarian case continues.

That case is now awaiting a rather complex disposition in the United States Supreme Court.

Again it's fascinating.

It's in the 43 years I practiced, I've never seen an appeal like this where you take an appeal direct to the United States Supreme Court.

And it has a very interesting set of procedural rules but the procedural rules say we should not anticipate any kind of action on these cases before October.

They will be briefing before then but though decision can be made before October.

And we in the ordinary course so we don't expect those cases to be over.

Then there is the new case, the AG case, which is -- has been assigned to the same three Judge panel that heard the Banarian case.

And that case is on a more relatively traditional schedule, which means that we don't even file an answer until sometime, the response until sometime in June.

And then that case could go through various stages of discovery, et cetera.

Before anything is resolved there.

But.

>> COMMISSIONER WEISS: Thank you.

>> DAVID FINK: The original case has been dismissed.

>> COMMISSIONER LETT: Is that good for you, Richard? Okay, Dustin?

>> VICE CHAIR WITJES: I just had like a procedural type of question.

If something is appealed like this directly to the Supreme Court, does that mean that the Supreme Court will take it on only if they decide to take on the case? Or since this is an appeal, is it by right and the individuals can do it no matter what?

>> COMMISSIONER LETT: David, you certainly can address it but I'm going to address that very issue in my report.

>> DAVID FINK: I defer to our liaison.

>> VICE CHAIR WITJES: I have no problem waiting until you give your report, Steve.

>> COMMISSIONER LETT: Give me something to talk about.

All right any other questions? I don't want to cutoff the discussion.

This is interesting stuff.

At least to a couple of us on the Commission.

It's a joke Rebecca.

Okay, if there isn't anything further, David and Nate, again, thank you.

You're welcome to hang around but that's up to you.

Commission report update, Edward?

>> MR. EDWARD WOODS: It's actually going to be Mr. Fink.

>> COMMISSIONER LETT: Okay.

>> DAVID FINK: Glad I hung around.



>> COMMISSIONER LETT: I thought Edward would handle this but go right ahead.

>> DAVID FINK: I think he would if we gave him recommendations.

We have been in contact as I believe the Commission knows with Edward and with Commissioner Lett regarding the both the draft report and the draft dissenting reports. The reports raise some potential issues of concern, notwithstanding.

That does not mean the reports should not be issued as written.

But they raise some questions that we want to look at.

We want to have the opportunity to talk briefly with Commissioners, if we think it's appropriate, about some of the reports before they are released in more specifically though before we take any action or make any recommendations to the Commission or individual Commissioners.

We have sought some input specifically from the Baker firm because of their lead responsibility in defending the litigation to be sure that we have their perspective on whether there is any potential adverse impact in any pending or anticipated future litigation.

Again, whether there is or isn't doesn't determine whether the report is issued as is.

Or whether the dissenting reports are issued as they are.

We simply want to be able to fully inform you so that you can make your determinations on what you want to do regarding those reports.

But there is one very specific issue that has arisen and that has delayed our ability to get back to you on this.

And that is we've reached out to the subject matter experts.

For those of you who are familiar with the substance of the at least draft dissenting report, the issues arise regarding at least one subject matter expert.

And we reached out to the subject matter experts.

But one expert in particular, Dr. Lisa Handley has been extremely busy frankly involved in litigation related to other redistricting.

Not Michigan.

And because of her very tight schedule right now, we have not yet been able to obtain the feedback that we want to get from her so that we can share that with the Commissioners.

So we are not ready to make a recommendation on the report.

But I expect that we are going to have feedback very, very soon.

And we will be talking to the Commissioners after we get that feedback.

And again.

>> COMMISSIONER LETT: Any questions for David? Anthony?

>> COMMISSIONER EID: That is regarding one of the dissenting reports? Or is it the report in favor?

>> DAVID FINK: Is that a question?

>> COMMISSIONER EID: Yes.

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>> DAVID FINK: The issues addressed with Dr. Handley relate to a draft dissenting report.

However, our recommendations may include recommendations regarding the what I call the majority report.

To the extent I think this can be looked at by analogy to an opinion from an Appellate Court we have majority and a dissent and it's not unusual for majority opinion to refer to dissenting opinions and to add context for those dissenting opinions.

So the answer to your question, Commissioner Eid, is both.

It relates to both the dissenting report and what you might or might not want to include in the majority report.

>> COMMISSIONER EID: Wonderful thank you.

>> COMMISSIONER LETT: I think just going forward these reports would be more accurately classified as the majority report and minority report versus a dissenting report.

It may be.

>> DAVID FINK: There was a movie called minority report that always kept that out of my vocabulary but.

>> COMMISSIONER LETT: That was a good movie, Tom Cruise was in it.

Okay. Any other questions for David or Nate? Okay hearing none, thank you, David. Any other reports from you, David?

>> DAVID FINK: I have another granddaughter a month ago.

She is healthy, happy.

>> COMMISSIONER LETT: Always welcome good time reports.

Thank you.

Okay, moving on.

House appropriations subcommittee on general Government, Edward, are you doing that one?

>> MR. EDWARD WOODS: Yes, I am. Thank you, Commissioner Lett.

Before we begin, I just want to say I hope that each and every one of our mothers on the Commission and the listening audience had a happy Mother's Day. I hope you were fettered and applauded and given your flowers while you are still alive. And on behalf of the Commission I hope the Commission mothers had a happy Mother's Day as well as those participating thank you so much.

I saw Commissioner Eid with a hand clap of applause and I will do that as well and it's nice to see your smiles.

We had House appropriations on Government and I want to thank Sarah Martinez and I want to share my screen and provide you with the financial statement that is also posted on our website for people to take a look at as it relates to fiscal year 2021, our whole entire financial statement, it talks ability appropriations and gives you the actual. It shows you the budget and then the variance and salaries.

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General travel, technology, in person meetings.

And once again this is the information for 2021 and we return \$20.90 as you already know.

This is done in Quickbooks so really want to give a shout out to Sarah Martinez this is how we do our checks and balances with regards to that and if there is any questions, I can take it on the report.

But this has been information that you have had previously.

>> COMMISSIONER LETT: Anybody have any questions? Okay, seeing none go right ahead, oh, Doug.

>> COMMISSIONER CLARK: Sonya, Edward, I think it would be worth our time if you could explain how you calculate the variance, what the variance column is.

>> MR. EDWARD WOODS: Sure. The variance is the actual minus the budget is the variance in terms of the variance column.

For example Commissioner salaries were budgeted for \$898,810 but the actual salaries were 912,858.47.

And when I notice there what it looks like is Kelly Services gets a premium as relates to that.

So the salaries are not just the Commission salaries.

It's also the fee to process that through Kelly Services.

And that is what causes the variance in that particular area.

The same thing with the staff salaries as well.

And then other areas are just might have just been you know budgeting where the Commission has made up money.

Last year, you know, the Commission saved money with regards to our public hearing costs so money was redistributed with regards to that.

But at the end of the day, you will notice that the Commission actually returned \$20.90, \$20.90 back to the general fund coffers that it did not use in accordance with the Constitution.

Commissioner Clark, is that satisfactory?

>> COMMISSIONER LETT: Just a comment on the variance. If the variance is a positive number, that is not good.

We overspent.

If the variance is a negative number, that is good.

We under spent.

It's kind incongruous as to what you might expect.

Okay go ahead, Edward.

>> MR. EDWARD WOODS: Thank you. And I'm going to bring up our expenditures. As of April 30th report want to give a shout out to the Legislative Services Bureau, Lori Kleinfeld and Janelle Falen for their help on this as well.

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As to our MDOS team that helps us with procurement Chad Bassett and his team have been a tremendous help throughout this entire process.

Are you able to see my screen?

>> COMMISSIONER LETT: Yes.

>> MR. EDWARD WOODS: Okay, great.

Okay, this is the total amount of expenditures that we have so far that we have spent.

We spent a total of \$2,380,709.83 is what we have spent.

And this is as of April 30th, 2022.

Of that amount for the consultants you see \$1,106,714.23.

You see the Commissioner's salaries, communication and outreach budget, which was previously cut by the Commission this year.

Staff salaries, meetings, travel and office reimbursement, Braille maps and translations, technology, and then FOIA income and returns.

Doing a breakout of that you see the litigation expense of \$1,106,714.23.

Our litigation counsel, which is our Baker Hostetler, we spent \$399,963.14.

This is paid through February.

I do want to alert you that we do have a bill for them for February and March and it's \$444,246.25.

So want to share that with you.

Once again, that's for the bill of February and March. As you know, although it's through April 30th, we do get April bills in May.

So I just want to make sure in terms of the timing, our April bills come in May.

Our mapping consultant we spent \$370,192.35. They are paid through March. Our local counsel, which is Fink Bressack, is \$227,708.75. We currently owe them \$30,458.04, that has not been paid and it's not a part of this report.

Our Voting Rights Act legal counsel we paid \$91,573.94.

And we have a bill outstanding of \$2,783.13.

Then our general legal expenses, which is Robert Half, are Epic, which does e-mail research for legal e-mails when we give public records request, those are \$17,276.05.

So, once again, the total spent on consultants relating to mapping and legal expenses is \$1,106,714.23.

Commissioner salaries also include some money that goes through Kelly Services and payroll taxes. And, as you know, this is for this fiscal year.

It's been expended communications and outreach is the money \$273,524.52 that we have spent.

Outreach increased awareness and engagement, this also includes our lessons learned and all that information that was spent this year.

Staff salaries are paid through Kelly Services and payroll.

That amount is right there.

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Our meetings, \$210,068.62. This is facilities, hotel, audio visual, security, parking, and a couple of group meals that we've had.

Travel and office reimbursements.

This is travel and supplies reimbursement for Commissioners and staff.

This would be more like your travel receipts that you submit through Kelly Services and then the reimbursement for office supplies whether that is paper or toner that's requested that comes through this line.

Our Braille maps and translation deals with the Braille maps that we did as well as the translation services through Linguistica when we translated in Spanish translated in Arabic and translated in Bengali and that is where the cost incurs.

FOIA, sorry, did I skip one? Technology is our cell phone service and our technology services through DTMB as relates to our computers.

And then income returns is the income from FOIA and our request and our office supplies returns in terms of what was returned back because we didn't need it.

And then this is the total.

Our appropriation was \$3,108,900 for this fiscal year.

We've spent \$2,380,709.33.

And we have a balance of \$728,190.67 as a result of our April financial statements.

Once again, this does not include, this does not include the roughly \$480,000 that we have outstanding as relates to legal expenses.

So, having said that, I think around sometime in June we may run out of money. And so what I would like to suggest to the Commission is that we, you know, write a letter to the House committee, subcommittee letting them know our situation and ask them to move post haste with regards to providing our budget request of \$1,157,064 to supplement the budget due to increased litigation expenses.

>> COMMISSIONER LETT: Okay, questions? Doug?

>> COMMISSIONER CLARK: Yes, how did you calculate the \$1,500,000.

>> MR. EDWARD WOODS: \$1,157,064, I just supported that from the report that the budget report the Commission approved on March 24 is where that number came from. And that number came from due to the increase in litigation.

So in terms of where we are at today and what is anticipated in terms of the bills coming in, it was determined to be \$1,157,064, and that was approved by the Commission on March 24.

>> COMMISSIONER CLARK: So when you factored that in, did you factor in \$400,000 we owe Baker Hostetler and the other money that what we owe the Fink firm and so forth?

>> MR. EDWARD WOODS: Yes.

>> COMMISSIONER CLARK: My other comment is I think what Edward is recommending to move forward with a letter to the appropriations committee is something we need to handle very quickly because they have to go to the legislature for

approval, I know they will have time off in the summer and we need to address this as quickly as possible to make sure that we get the money in a timely basis.

>> COMMISSIONER LETT: Are you making that as a motion, Doug?

>> COMMISSIONER CLARK: I do.

>> COMMISSIONER LETT: Is there a second.

>> VICE CHAIR WITJES: I will second that.

>> COMMISSIONER LETT: Okay, Dustin seconded and Doug made the motion the motion is to produce a letter to the legislative subcommittee; is that correct? Edward? It's a subcommittee or is it a committee.

>> MR. EDWARD WOODS: It's a subcommittee.

>> COMMISSIONER LETT: Subcommittee for request for supplemental appropriation based on our needs in relation to litigation, are there any questions or comments, Doug?

>> COMMISSIONER CLARK: One comment I would suggest that letter also include a date that we would like to have a response back by.

It will give us the opportunity so this does not linger on throughout the summer and we will end up in a financial situation.

>> COMMISSIONER LETT: Okay.

>> MR. EDWARD WOODS: I also want to reiterate we could get additional lawsuits. So I want to make sure everyone knows that letter will say we may need to come back. This is just an estimate.

I just want to be clear.

This is an estimate.

>> COMMISSIONER LETT: Any further questions, comments? Hearing none, all in favor of the motion raise your hand.

>> MR. EDWARD WOODS: Commissioner Eid has his hand up.

>> COMMISSIONER LETT: I'm sorry, Anthony?

>> COMMISSIONER EID: My only question is have we heard anything from the subcommittee yet at all? Or no.

>> MR. EDWARD WOODS: I have not heard back from them other that they will get back to us if they have any questions.

At the last meeting we talked about looking at the numbers and coming back to the Commission and now we can share this updated information with the subcommittee.

>> COMMISSIONER LETT: Okay, any other questions? Comments? If not all in favor raise your hand and say aye.

Aye.

All opposed the same sign.

Motion passes.

Edward will take care of writing the letter.

Anything further, Edward.

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>> COMMISSIONER EID: MDOS is asking for confirmation of Rhonda's vote.

>> COMMISSIONER LETT: Rhonda what was your vote, please? Rhonda, are you there? I guess we don't know.

All right, Edward, anything further?

>> MR. EDWARD WOODS: No, that is it for unfinished business.

>> COMMISSIONER LETT: Okay. We are up to the next item approval of the minutes.

And I have on the agenda April 14 and April 28.

Those were provided to the Commission prior to today.

Are there any -- let's do April 14, are there any additions, corrections, deletions.

Is that you that wants to talk?

>> COMMISSIONER LANGE: Yes, sorry, I could not get unmuted.

>> COMMISSIONER LETT: Okay, we just wanted to know what your vote was.

>> COMMISSIONER LANGE: I on the letter and I'm going to abstain from the minutes because I was not there.

>> COMMISSIONER LETT: Okay.

>> VICE CHAIR WITJES: I move to adopt.

>> COMMISSIONER LETT: The April 14th hearing motion to adopt.

Is there a second? Richard is second.

Any discussion? All in favor of adoption raise your hand and say aye.

Aye.

All opposed same sign.

Dustin you're opposing?

>> VICE CHAIR WITJES: No, no, no, I'm for.

>> COMMISSIONER LETT: Okay, so we had one abstention, the right approvals.

Moving on with the April 28th minutes.

Are there any additions, deletions, corrections?

>> VICE CHAIR WITJES: Move to adopt.

>> COMMISSIONER LETT: We will give Doug the second.

Okay, any discussion? All in favor raise your hand and say aye.

Aye.

All opposed the same sign.

And Rhonda I'm assuming you're abstaining from this one also.

>> COMMISSIONER LANGE: Correct.

>> COMMISSIONER LETT: All right, one abstention, the rest approval.

Minutes are approved as presented.

Next is the staff report.

Since we only have one staff, I assume that is going to be Edward.

>> MR. EDWARD WOODS: Thank you, Steve.

Commissioner Lett, sorry and let's go right to the report.

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Are you able to see my screen?

>> COMMISSIONER LETT: We are.

>> MR. EDWARD WOODS: Great.

This is just highlights.

The District maps are out.

I want to thank Commissioner Rothhorn our Chair, Commissioner Dustin Witjes our Vice Chair and Cynthia Orton for helping on this project.

The District maps are out by Congressional, they are out by State House and out by State Senate but you can also see them by county maps so want to encourage everyone if you have not seen them already to go to the website, Michigan.gov/MICRC so you are able to see the District maps and then for those of you that are wondering if you check on Chestnut Hickory and Linden you can still type in your address and see what District you are in.

We did not I repeat we did not take those sites down.

All of that information is still available.

If you want to go back and look at the comments.

All of that is still there.

It is not down.

The only thing we did was just add the District maps with regards to that, so just want to share they are available.

That you can get them by State House, State Senate as well as Congressional and then you can also go to your county and see what districts are represented in your county by State House, State Senate and Congressional.

Yesterday the House joint resolution S was introduced.

This is not binding.

I'm going to thank attorney Mike Brady from MDOS.

Had a conversation with him earlier today.

It's not a binding resolution.

But it's just an attempt to find some cause or support around abolishing the Commission in order to abolish the Commission it will take an amendment but the people of Michigan.

I just wanted to share that with you.

It's a joint resolution.

It's not binding.

But something that was introduced by one of the members.

House bill number 6098 is also introduced with regards to Open Meetings Act.

If you noticed in that they struck out the portion that relates to the MICRC.

Lessons learned report and video, just want to give you an update that they are almost finished shooting.

Everyone needs to take the video for and the report so we should have a draft in June.



We should have a draft in June.

And then also let you know that we are doing a website audit just making sure that everything is there.

Whether it's reports or anything along those lines from the inception of the Commission to the present with regards to that.

So just want to make sure that is accurate and in order.

Also make sure the attendance records of the Commission are also accurate and in order as relates to each Commissioner.

So just wanted to share that with you in terms of some highlights of what is taking place. As always if you have any questions or concerns you know feel free to call me, text me, e-mail me.

And I'm more than happy to assist you in any way possible.

If there are any questions Commissioner Lett, I can take them at this time.

>> COMMISSIONER LETT: Anybody have any questions for Edward?

>> COMMISSIONER ORTON: There was a note that Mike Brady's hand is up.

>> COMMISSIONER LETT: Mike.

There you are.

>> MIKE BRADY: Good morning, Commissioners.

I just want to clarify with the House resolution S I believe that Director Woods had referenced, that resolution and I apologize Edward that I was not able to circle back I want to clarify that particular resolution is not simply a statement of like an expression of the feeling of the legislature.

That resolution actually would seek to add, to put on the ballot an amendment to the Constitution which would then go to the voters.

So that is something that is you know a process within the Constitution that allows the legislature by a certain, you know, vote in both chambers to have something added to the ballot in order to then amend the Constitution.

So I just wanted to clarify that.

>> COMMISSIONER LETT: So as clarification, that would be very similar to the one that the legislature just put on the ballot to modify the term limits in Michigan is that it?

>> MIKE BRADY: That is exactly right.

>> COMMISSIONER LETT: I have a question.

Well, any comments, questions about that particular resolution?

>> MR. EDWARD WOODS: Mr. Brady that would mean we need two thirds in both chambers; is that correct to get that on the ballot just like they did for the one with the chamber proposal on term limits?

>> MIKE BRADY: That is correct.

Sorry if I became muted.

Commissioner Lett that is exactly the same process.

>> COMMISSIONER LETT: Any other questions on that? I've got a question on another piece for Mike.

But anybody else have any questions on this resolution? All right, on the Open Meetings Act what was struck? What is that about, Mike?

>> MIKE BRADY: What was struck is the language that was added last fall, the language in the Open Meetings Act that refers to the MICRC.  
So particularly in the context of closed session.

They added your call last fall language that says except as you know, in the next Section, you know, these are the following permissible purposes for closed session and basically it was carving out and denying the MICRC the ability to go into closed session for any of those permissible purposes.

We know from the Michigan Supreme Court case and the AG opinion that these laws are not particularly or the Open Meetings Act itself is not binding on the Commission. And for this reason this whole body of meeting virtually today in a way that is not otherwise permissible for other public bodies here in the state.

We talked about that before.

So whether the open meetings act language stays or goes I don't know it has material legal impact on the Commission, the Commission's operations.

Given that it is being sponsored by the same you know individuals who are sponsoring the resolution that would put the question on the ballot as to whether or not the Constitution should be amended again to remove the MICRC I imagine it's probably you know kind of consistent just to clean up the law to remove any reference to the MICRC anywhere.

>> COMMISSIONER LETT: Thank you.

Okay any questions for Mike? Any comments? All right, Edward, anything further?

>> MR. EDWARD WOODS: No, thank you very much.

>> COMMISSIONER LETT: All right, we are up to me for the legal liaison report. And as you are aware, as we've said, I -- Edward, myself and David and Nate met yesterday for -- by Zoom for about a half an hour over the dormancy issue.

And the update on the appeals and cases.

The Banarian appeal as David said has been filed with the Supreme Court -- United States Supreme Court.

And so I asked them yesterday because that is while the -- there is no right to appeal to the United States Supreme Court.

You appeal by certiorari which means we want to appeal to you Supreme Court, here is kind of why and if you want to take it you do.

If you don't you tell us, no.

And that's it.

So there is no, quote, right of appeal.

Banarian has a direct appeal so they can file that.

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That does not mean the Supreme Court is going to accept it.

So where we are with the Banarian appeal they filed the appeal.

They have 30 days from the date of their filing to file a jurisdictional brief.

That would mean that, okay, we have filed this appeal and here is why we have the right to file it.

It's coming from a three-Judge panel out of the Western District of Michigan.

Once that's filed, then we, as the Defendants, have 30 days to object.

In other words, we file a responsive brief saying they are wrong and here is why and here is why you should not even entertain the appeal.

After that's filed, then the Plaintiffs would have 14 days to reply.

And then the Court would make a decision.

That's probably going to, you know, we are in October by then after you file, after all these filings and there is no telling when there might be a decision.

I mean, the Court could say we are not going to take it, see you later go back to West Michigan and argue your case.

They could say, yes, we will take it and we are going to issue an injunction.

Wouldn't be a decision on the case but they asked for an injunction, that was denied.

And so that would be -- that is why they have appealed.

So any questions on that before I go on to AG? Okay, AG is another West Michigan case.

Our response is not due until June 17th.

So that's where it is.

They filed their complaint.

They, it's my understanding did not request an injunction.

I believe that's correct, Rebecca.

Okay, so our response is due on the 17th which Baker will be putting together.

And we will see where it goes.

And from there it would just go on through the normal process.

I would assume.

I have not talked with Baker.

They have not been in the Zoom meetings.

I have not talked with Kate.

And I would assume they file a response, they could file a response at that time saying, asking for summary disposition.

They could file an answer and then later ask for summary disposition and see what is going on there.

I don't know if everybody -- that is all, any questions on AG? All right, I don't know if you all follow what's going on around the nation, Florida Supreme Court, which I kind of follow because I get the local paper down there still, the Supreme Court in Florida just

threw out the Government's proposed maps, saying they were a violation of the Voting Rights Act.

And it instituted, put back the maps that were previously in place.

The Governor in this, that instance is going to file a direct appeal to the Supreme Court. So we will see where that goes.

If you have been following Ohio they are in a big contest between the Governor and the legislature.

They filed -- they supposedly has a Commission that doesn't seem to do much.

And so they have filed a number of plans that have all been rejected.

And I think the last thing I knew was is kind of up in the air as to what they are going to do.

So we've done well.

If you saw the editorial that Edward sent around, I think it was fairly appropriate.

At least from my point of view.

It said we did a good job which I think we did.

And while we expected lawsuits, they have not been particularly anything that we didn't expect.

And the courts have taken a look at them that have rendered a decision and said, you know, they are not perfect.

However, they accomplish what the law requires them to accomplish.

I think we followed what I stated very early on in my tenure as Chairperson to start with is don't let the perfect get in the way of the good.

I think we accomplished that.

I don't know that you will ever get perfection in these types of redistricting.

But I think we did a good job.

And that's the extent of my report.

Unless there are any questions for me, I would be happy to entertain them.

Not seeing any, audit liaison report.

Who is our audit liaison, Janice.

>> COMMISSIONER VALLETTE: We had a meeting May 4, a meeting where we got to meet each other and talked about the types of reports.

We also the question was brought up of how long they thought it was going to take.

They said not long.

But I guess they were pressed a little bit.

And they said at least a month, maybe a little bit longer.

And that's basically the first meeting.

We had a meeting this morning at 8:30.

This one was just Nancy is it Savarse Edward? And Janelle Theon and Lori Kleinfeld and Lori and Janelle basically pay the bills.

Basically the whole meeting was the process, how the expense reports were paid.

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And all the other reports.

We decided that we didn't need to meet like weekly or every other week.

The meetings would be as needed.

And then Nancy said that her first report should probably come out the end of July, first part of August.

And basically that was it.

Do you have anything to add, Edward?

>> MR. EDWARD WOODS: Hello Commissioner Vallette.

Great job.

Thank you.

>> COMMISSIONER VALLETTE: You're welcome.

>> COMMISSIONER LETT: Is that it? Okay, any questions for Janice? Seeing none.

>> MR. EDWARD WOODS: Commissioner Orton has her hand raised.

>> COMMISSIONER ORTON: I came up with a late question.

So you said the person said their first report would be out July or August.

>> COMMISSIONER VALLETTE: Right.

>> COMMISSIONER ORTON: If it's the first part how many reports are there going to be? When will the final thing be done do you know?

>> COMMISSIONER VALLETTE: No.

They didn't say when.

The first meeting they did try to say how long is it going to take.

They really didn't have a specific answer and then someone said, well, will it be a month.

And she said more than likely a month, maybe a little bit longer.

So this is the first report.

I guess she will just give reports as she collects her information.

>> COMMISSIONER ORTON: I see, thanks.

>> COMMISSIONER VALLETTE: You're welcome.

>> COMMISSIONER LETT: Any others? All right, again, thank you Janice, appreciate that you're taking that on.

Department of State? Secretary of State report? Who is going to do that? Mike, I see you are on.

You are up.

Are you back in the office?

>> MIKE BRADY: I am.

I should say in the Lansing office.

I was in the Detroit office but today in the Lansing office.

Hello again the only update I got from the team this morning relates to the Commission's decision, discussion two meetings ago and decision at the last meeting to

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go back and post the different FOIA requests, FOIA responses and documents produced in prior FOIAs.

Those are now all available on our website.

Great thanks to Sarah Reinhardt and attorney Megan in our office, Nelson and others who made that possible on, you know, on this timeframe.

We are still going to be making some, you know, refining the language and other things to make it more user friendly but it's all available right now.

So all the FOIAs and the FOIA responses so that is the main update.

Available for any questions if you folks have.

>> COMMISSIONER LETT: Anybody have any questions for Mike? We are glad to see him back on our screen and back in the office.

All right, thank you, Mike.

Okay, correspondence Edward, do we have anything in the correspondence area? No.

>> MR. EDWARD WOODS: No, Commissioner Lett.

>> COMMISSIONER LETT: Okay, future agenda items.

Anybody have anything in particular? Well, let me put it this way if anybody has anything in particular they want to put on the agenda get ahold of Edward and he can get it on the agenda.

Otherwise we will do the usual agenda plus the updates that we normally do.

Unless somebody has something specific right now.

Edward, any announcements?

>> MR. EDWARD WOODS: Yes, want to remind everyone that our next Commission meeting is Thursday June 9th.

And it will be a virtual meeting.

We will not be meeting on Thursday May 26.

But our next Commission meeting will take place Thursday, June 9th at 10:00 a.m.

>> COMMISSIONER LETT: All right, okay, any questions? Anything for the good of the order? As we say? If not, Sarah, Yvonne Sarah is not on with us, oh, yes there she is.

>> YVONNE YOUNG: She is there and suffering laryngitis and not communicating.

>> COMMISSIONER LETT: I wondered why she sounded so good.

>> YVONNE YOUNG: I'm her mouthpiece today.

>> COMMISSIONER LETT: We hope you get better and take care of yourself and expect you back on June 9 with full throat.

All right.

>> YVONNE YOUNG: She said thank you.

It's in the chat.

>> COMMISSIONER LETT: I want to thank Yvonne for stepping in and doing an excellent job covering for me.

Appreciate it.

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>> YVONNE YOUNG: Thank you, absolutely.

>> COMMISSIONER LETT: I would entertain Dustin.

>> VICE CHAIR WITJES: Thanks Steve for stepping in for both of us given my connection issues and MC.

You did a great job.

>> COMMISSIONER LETT: I appreciate that, Dustin.

And if anybody thinks I'm a bully for doing that other than the obvious people, you can say I'll do it next time.

Having said all that, I would entertain a motion to adjourn.

>> VICE CHAIR WITJES: So moved.

>> COMMISSIONER LETT: I heard Cynthia I believe second.

Motion to adjourn is brought up.

All in favor raise your hand and say aye.

Aye.

All opposed same sign.

I want to thank everybody for their assistance to myself.

It's been a while since I've done this.

And I obviously have a more relaxed style than maybe addressing everybody as Commissioner.

But that is the way I like to do it.

So everybody have a good, we are about a month away for our next meeting. Take care and don't contract COVID and we will see you at the next meeting.

(Meeting Concludes at 11:10 am)