

3.3: Appointment and Term. Members shall be randomly selected pursuant to the process set forth in article IV, section 6, subsection 2 of the Constitution 1963. Except as provided in section 3.4 of these rules, the terms of the members of the Commission shall be:

A. For the complete census cycle, the period beginning when the appointment is made until the next Commission is appointed for the subsequent census cycle.

B. The members of the Commission shall always be in active status that the Commission is in the active process of redistricting the Congressional, State Senate and State House maps.

C. The members of the Commission shall always continue in active status when there is litigation pending against the Commission pertaining to the redistricting maps drawn by the Commission or any other litigation brought against the Commission or its members because of its or their official duties.

D. At such time all litigation filed against the Commission and or the members is completed, and no further action is required of the Commission or the members, the Commission will at that time on motion and vote by the Commission members, move to a dormant status, and will notify the MDOS and the Legislature of the change of status.

3.3.1: Dormant Status.

A. Upon the Commission assuming dormant status the Commission staff shall have 30 days to complete the remaining staff and Commission responsibilities, or such additional time as may be required.

Commented [WE(1): Who provides the authorization?

B. The Commission shall coordinate with the MDOS to coordinate this change in status and if necessary to assist in said change.

C. All computers and phones in the possession of Commission members shall be returned to the MDOS for retention in the litigation hold. An image shall be taken of each computer data for any future litigation. All other records or materials pertaining to the Commission held by members of the Commission shall be turned over to the MDOS. Members shall keep a record of their usernames and passwords.

D. Extension agreements shall be made with necessary vendors, ex. EDS, attorneys, experts, to be available in the event of new litigation being filed against the Commission or its members. Said extensions shall be made with no additional payment being made or required until such time as litigation is pending.

E. Upon the Commission going into dormant status and all final expenses being paid, any remaining Commission funds shall be returned to the state treasury pursuant to the Constitution.

F. During all times the Commission is in a dormant status, members will not be entitled to any compensation or reimbursement of expenses unless such expenses are directly related to the Commission.

G. The Commission will designate one or more members of the Commission as contact person[s] for the Commission. The MDOS will designate a person or position within the MDOS as a contact person for the MDOS. Commission members will keep the MDOS apprised of any change in their personal contact information.

Commented [WE(2)]: What is the process to determine what expenses are directly related to the Commission during dormant status? What funding source would this come from if a budget hasn't been approved for that fiscal year?

3.3.2: Reactivation

A. In the event of litigation being filed against the Commission or its members, the Commission shall be returned to active status for the purpose of addressing said litigation. A member of the Commission being notified of litigation shall notify the MDOS who will notify the other members of the Commission or the MDOS upon being notified of litigation shall notify the members of the Commission.

B. Upon litigation being filed against the Commission, the Commission will return to active status for purposes of the litigation. At that time, the Commission's computers and phones will be returned to the commissioners for use in said litigation and or mapping. Upon return to active status, the Commission members shall be entitled to compensation pursuant to the terms of the Constitution 1963 as amended, Art. IV, Sec. 6.

C. The MDOS and the Secretary of State shall convene a meeting of the Commission to take such action as required to address the litigation.

D. The Commission shall at that time request a budget from the Legislature pursuant to the Constitution 1963 as amended and take such other action as required to address the litigation.

3.3.3: Expiration of Term. The term of the members of the Commission shall expire upon the appointment of the succeeding Michigan Independent Citizens Redistricting Commission.

Commented [WE(3): In light of our present situation, we need to consider that it may take some time before the Commission receives a budget.