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MICRC

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>> COMMISSIONER CURRY: I'm so busy trying to get set up. How about you Richard?

>> MS. SARAH REINHARDT: Juanita a heads up that we are live.

>> COMMISSIONER CURRY: Hi Jan, is that Jan? Who is that?

>> COMMISSIONER VALLETTE: What is up.

>> COMMISSIONER CLARK: Juanita and Janice, we are live now.

>> COMMISSIONER CURRY: That's everything, yeah. Oh, I'm sorry.

>> MS. SARAH REINHARDT: Ready when you are, Mr. Chair.

>> MR. EDWARD WOODS: Commissioner Clark, we are ready to go.

>> COMMISSIONER CLARK: Just saw the message.

As Chair of the Commission, I

call the meeting of the Michigan Independent Citizens Redistricting Commission to order at 10:03 a.m.

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Members of the media who may have questions before, during or after the meeting should direct those questions to Edward Woods III, Executive Director for the Commission at WoodsE3@Michigan.gov or 517-331-6309.

For the public watching and the public record I will turn to the department of state staff take note of the commissioners present.

>> MS. SARAH REINHARDT: Good morning, Commissioners. Please say present when I call your name. And let us know where you are attending remotely from. I will call on Commissioners in alphabetical order starting with Doug Clark.

>> COMMISSIONER CLARK: I'm present; attending remotely from Rochester Hills, Michigan.

>> MS. SARAH REINHARDT: Juanita Curry.

>> COMMISSIONER CURRY: Present; attending from Rochester, Michigan.

>> MS. SARAH REINHARDT: Anthony Eid?

>> COMMISSIONER EID: Present, virtually attending today from Detroit, Michigan.

>> MS. SARAH REINHARDT: Brittini Kellom.

Rhonda Lange?

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

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Present; attending from Grand Traverse County, Michigan.

>> MS. SARAH REINHARDT: Cynthia Orton?

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

>> MS. SARAH REINHARDT: MC Rothhorn?

>> COMMISSIONER ROTHORN: Good morning. Attending remotely from Lansing, Michigan.

>> MS. SARAH REINHARDT: Rebecca Szetela?

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

>> MS. SARAH REINHARDT: Janice Vallette.

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

>> MS. SARAH REINHARDT: Erin Wagner?

>> COMMISSIONER WAGNER: Present attending remotely from Eaton Township, Michigan.

>> MS. SARAH REINHARDT: Richard Weiss?

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

>> MS. SARAH REINHARDT: Dustin Witjes?

>> COMMISSIONER WITJES: Present; attending remotely Tuscola, Illinois.

>> MS. SARAH REINHARDT: 12 Commissioners are present and there is a quorum.

>> COMMISSIONER CLARK: Thank you, Ms. Reinhardt.

Do I hear a motion to adopt or any comments about changing it? Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, I wanted to make a motion to remove the review of the Constitution from unfinished business that is agenda item 5A. Unless I am misunderstanding the purpose of it, my understanding was it was related to Commissioner Eid's request to review the Constitution relatively to his job at Michigan voices, he is no longer there. The Commission discussed it and voted not to inquire further so I think at this point it's just unnecessary and should be removed.

>> COMMISSIONER CLARK: I know Commissioner Eid asked to have it on the agenda. I didn't know what the reason was or that it supported his former job. Let me have Commissioner Eid speak to that, please.

>> COMMISSIONER EID: Yeah, I think I might be wrong, it was a while ago. But I'm not sure if that request was made before or after that whole situation. I do think if we are reviewing the code of conduct and the conflict-of-interest policy we should also review the Constitution to make sure that our rules and policies are consistent with the Constitution. Which is our, you know, the language our binding language we have to follow. So if we are going to review the code of conduct, we should probably also review the Constitution for consistency.

>> COMMISSIONER CLARK: What is the rationale behind it, Commissioner Szetela, do you have a motion?

>> COMMISSIONER SZETELA: I already made a motion. I haven't had a second though. But, yeah, I mean what he just said is exactly what my understanding from Executive Director Woods and he can chime in if he show chooses was that you know, basically the position Anthony was taking was our code of conduct is inconsistent with the Constitution and seems a backdoor way to discuss and moved on as a Commission and if there are implications coming up, reviewing changes of code of conduct we can appropriately review with those there other than a separate agenda item on an issue that I think is pretty much resolved at this point.

>> COMMISSIONER CLARK: Do I have a second to Commissioner Szetela's motion?

>> COMMISSIONER LANGE: I'll second it.

>> COMMISSIONER CLARK: Thank you, Rhonda. Commissioner Lange has seconded the motion. Are there any other comments related to the agenda? Okay, we will need to take a vote on the motion. All in favor of the motion say aye.

Aye.

Okay all opposed say nay.

>> COMMISSIONER EID: Nay.

>> COMMISSIONER CLARK: Okay, the ayes have it and the review of the Constitution will be deleted from the agenda. We now need to have a motion to approve the amended agenda.

>> COMMISSIONER LETT: So moved.

>> COMMISSIONER CLARK: Commissioner Lett put the motion forward, Cynthia or Commissioner Orton has seconded it. Okay, let's take another vote. All in favor say aye.

Aye.

All opposed say nay.

Okay the motion to adopt the amended agenda has been passed. And we will now move on to public comments.

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

We do have one public comment today from Mr. Galant. Individuals who have signed up and indicated they would like to provide live remote comment to the Commission will now be allowed. I will call your name and our staff will unmute you. If you're on a computer, you will be prompted by the Zoom app to unmute your microphone and speak. If you're on the phone, a voice will say that the host wants 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 your phone number. Also, please note if you experience technical or audio issues or we do not hear from you in three to five seconds we will move on to the next person in line then return to you after they are done speaking. If your audio still does not work e-mail redistricting@Michigan.gov and help you trouble shoot to speak at a later meeting. You will have two minutes to address the Commission. Please conclude your remarks once you hear the timer.

Okay, the first public comment will be Mr. Galant. You have the floor, Mr. Galant.

>> Can you hear me?

>> COMMISSIONER CLARK: We can hear you.

>> James Galant, Marquette Suicide Prevention Coalition and these are my opinions. First of all, I would like to say, Mr. Chair, I think it's pretty disrespectful of you to mispronounce my name after I said it to you probably a hundred times and I just said it to you again. My name is James Galant. And it's my right to due process and equal protection and I would be just as disrespectful to you, would have to the next person in the world so please.

>> COMMISSIONER CLARK: Apologize Mr. Galant.

>> Okay. And I would like to say that there is a little -- I'm looking into the issues about the Roberts Rules of Order, and we are trying to get a state approved training for Robert's Rules of Order. And I'm working with the Michigan Supreme Court and Michigan State University because they have the experts at Michigan State University. And I'm trying to get the materials that were given to you, the Commission, before the convening in 2020, that were approved by the Secretary of State and provided to you by Mike Brady, the director of legal services. And now I've asked for that from Director

Woods and it appears the Department of State is saying that they never gave that information to you and that was just for information, and you could have looked into it if you wanted. You were not given a copy of Roberts Rules either. So we need the Secretary of State to determine what happened there. Are -- the materials that are provided in the orientation materials, are they legitimate just the way it is? In those materials the State of Michigan has determined that Robert's Rules of Order was created as a direct interpretation of the U.S. Congress, the United States House of Representatives, or the people's House and that is why we got Roberts Rules. And the Roberts Rules is actually an interpretation of directly of our Constitution and how they are structured and how their semblance of order works in our whole society and country and society. You have given your oath of office to follow the Constitution and Roberts Rules. Now, you just did, when you did the agenda, you approved the amendment first, the secondary amendment first. These are all, you know, to discussion and do the amendment first. You voted on it and now you want to make a motion for the main motion, which was to start discussion in the beginning of the first.

>> COMMISSIONER CLARK: Thank you for your comments. This concludes our public comment. Please feel free to e-mail public comments to the Commission at redistricting@Michigan.gov 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 the Commission can do business.

Next on our agenda is the unfinished business item reviewing the code of conduct. Without objection I will ask local counsel Nate Fink to facilitate this item. Hearing no objection please proceed, Mr. Fink.

>> Thank you, Mr. Chairman and good morning, to everybody. Thank you for inviting me to facilitate this discussion. I would like to share my screen if that is okay. I will go ahead; I just have PDF a PDF of the document. So I'll go ahead and do that. And I apologize in advance I'm looking over on a different screen here. So that's why I'm looking away here. So this is the Commissioner code of conduct adopted November 10, 2020 by the Commission. This is just a one pager. I'm hopeful that all the Commissioners are familiar with this document. I'm not going to read the document to everybody. You can all read it, of course. These are the A-I, differ things that you guys all decided or the Commission as a whole decided were appropriate for the code of conduct and this is how it stands today. I will mention of course we are not having the discussion about the Constitution today. But, of course, anything that's in the code of conduct or any of the other documents and anything else that the Commission does has to be in compliance with and cannot conflict with anything in the Constitution.

So, with that, I'm happy to open up the floor for any discussion that the Commission would like to have. I'm trying to make sure I can see everybody. Oh, Commissioner Szetela, sorry, I've got the two screens going here

>> COMMISSIONER SZETELA: No that is okay.

I thought Commissioners Orton and Vallette had submitted some proposed changes. Do you have those? Or have they since decided they did not want to ask for that?

>> I would ask Executive Director Woods to chime in on that. My understanding is there were some proposed changes. I know there were some proposed changes. I didn't think that that was up for discussion today. This was just an overview of the code of conduct and also we will discuss the conflict of interest policy and if there were any actual changes to be discussed and may be voted on, that would take place I think at the next meeting. If I'm incorrect I'm happy to have a discussion about anything related to these subjects.

>> COMMISSIONER CLARK: I share the same opinion that Commissioner Szetela has. There were some changes, and my impression was that we were going to discuss those today. And then.

>> MR. EDWARD WOODS: Let me share my screen.

>> COMMISSIONER CLARK: And a draft to the Commissioners and vote on it, vote on the exception, acceptance of the changes at the next meeting. Executive Director Woods, do you have a comment?

>> MR. EDWARD WOODS: Sure, Mr. Fink, let me share my screen.

>> Sure, I will stop sharing mine.

>> MR. EDWARD WOODS: All right is everybody able to see my screen?

>> COMMISSIONER CLARK: Yes.

>> MR. EDWARD WOODS: Okay, good. Let me -- do I need to enlarge it, or can you see it?

>> COMMISSIONER SZETELA: If you could, please, Edward.

>> COMMISSIONER CLARK: It should be okay from my point of view.

>> MR. EDWARD WOODS: Let me go up, just a little bit. And like Nate I'm having two screens so if you see me looking the other way, I'm not ignoring you. Is that better?

>> COMMISSIONER CLARK: Correct, it is.

>> MR. EDWARD WOODS: All right the first one has no changes. Commissioner shall demonstrate honesty professionalism in duty. B shall conduct themselves in a manner that reflects positively on the Commission and shall put the responsibilities and integrity of the Commission above personal political gain. No change there.

Here you see Commissioner shall lobby as defined shall not lobby as defined in the Michigan lobby registration act. Act 472 of 1978 except as it pertains to the Independent Citizens Redistricting Commission as permitted in the Michigan Constitution Section 6, subsection 6 to carry out their duties. For the duration of their term as Commissioners no Commissioners will publicly oppose nor support any partisan elected official.

What it said before was specific ballot initiative or legislative bills beyond those related to the work of the Commission itself. For example social media place interviews and public meetings.

For D Commissioners shall foster go ahead Commissioner Orton.

>> COMMISSIONER ORTON: So when we were going through this, and finding little, you know, possible changes to discuss, my question was so we see things that maybe could be written better or changed, but is this enforceable? How do we enforce this? You know, so I wonder if it's even worth changing anything if it's not enforceable.

>> Commissioner Orton was that directed to me?

>> VICE CHAIR ORTON: Kind of in general.

>> Even if it wasn't I will jump in and put my opinion for whatever it's worth.

>> COMMISSIONER ORTON: Okay.

>> When you say it's enforceable do you mean broadly speaking the code of conduct itself? Or.

>> COMMISSIONER ORTON: Yeah, so I'm thinking so that part that says shall not publicly oppose or support any elected electoral candidate or incumbent elected official blah, blah, blah. So someone does what do we do about it? Are we -- are our hands tied? We don't really have anything we can do about it or if so, this is all moot.

>> Well, violate blah, blah, blah that is always a big problem no matter what. So as I sort of prefaced my comments before we jumped into proposed changes anything we have here cannot conflict with the constitutional amendment that governs this body. And all of the functions here.

It's a self-governing body. And to the extent that you have some kind of enforcement provision as long as it's not conflicting with a constitutional provision or some other law, then, you know, that could work.

I will say there is language to get specific about the particular provision and Commissioner or Mr. Woods took I think took down the proposed changes there from his shared screen. But my understanding is that this was adopted I mean I know the timing of it was adopted at the very beginning of this Commissioner's work. And I believe there was some discussion about particularly provision C. And the extent to which the Commission can limit Commissioners' abilities to participate in certain activity, political activity.

I will say that without having done extensive research on the subject, but my take on this is I have some concerns about first amendment issues that would preclude any Commissioner from opposing or supporting any partisan elected official. And, of course, this Commission is not a nonpartisan Commission. It's a bipartisan Commission. And you're required to have partisan members of the Commission. Right, you have a certain number of republican people who are members or identify with the republican party and others identify with the democratic party and of course nonaffiliated people. And so I have some concerns about the Commission trying to instruct certain Commissioners or any Commissioners that they can't do any sort of opposing or supporting of particular partisan elected officials when there are certain members of the Commission who must be partisan. Or have some partisan affiliation. So I do have

some concern about that particular provision. I know Commissioner Orton that was not exactly your question there. But I did want to just convey that.

Perspective.

>> COMMISSIONER CLARK: Commissioner Szetela, do you have a comment?

>> COMMISSIONER SZETELA: Yeah, I mean I certainly agree with Nate's point. I think the first part of this, this whole Section about lobbying is referring to something that's in the Constitution so I think that's fine.

>> I agree with that.

>> VICE CHAIR SZETELA: The second part where we get publicly opposing in support, you know we do have language in the Constitution where it says we are not going to engage in activity that, you know, raises questions about the impartiality of the Commission but at the same time you know I mean I just personally think we could take that sentence out and be just fine. Or we could leave it in if we choose to. My only concern if we leave it with the original text with what Cynthia added I would want any partisan elected official to also include people who are candidates, so it's not just limited to people who are elected but also people who are running for office as well. That will be my only thought on that if we are going to keep it, we should have it apply to both because someone who is already in office should not have advantage over someone who isn't.

>> COMMISSIONER CLARK: Thank you, Commissioner Szetela. Commissioner Eid, do you have a comment?

>> COMMISSIONER EID: Yeah, I don't really have a problem with this version of the language. That was proposed. But I do have freedom of speech concerns about some of it. I would be okay if it read any partisan elected official for the districts that we draw. I think that's reasonable. You know, the Senate, the House and the U.S. Congressional districts. But leaving it as it is, I mean it would be any partisan elected official even ones that have nothing to do with the work that we are doing. And I think that is a little over cumbersome in my opinion. We have the freedom of speech. We do have the right to use our voices as we see fit if we choose to. And I understand that some of us care about our freedoms a little differently than other folks. And that's okay. But, yeah, like I said I would be okay with it stating any partisan elected official for the districts we draw but I think leaving it as it is a little broad.

>> COMMISSIONER CLARK: Thank you Commissioner Eid. Commissioner Orton given those comments, do you want to make any adjustments to the verbiage?

>> VICE CHAIR ORTON: Yes. I agree it should only apply to the districts that we have something to do with. I don't know. Exactly how it should be worded. Going through it the first time I thought it was missing some things. But then thinking about really all that needs to be in there is what is in the constitutional amendment. That is what can be backed up. So I think it should be made clear that if

we are adding something that it applies to the districts, we have something to do with. Because I think that was the intent all along.

>> COMMISSIONER CLARK: Okay I've got a few Commissioners on the phone, and I can't see if they raise their hand. So let me call on them to see if they have a comment. Commissioner Wagner? Any comments?

>> COMMISSIONER WAGNER: Thank you. No, I have no comments.

>> COMMISSIONER CLARK: Commissioner Lange?

>> COMMISSIONER LANGE: I do. I do. I would like clarification as to when they are saying any districts that we had a hand in. Does that mean any District that we drew? Or are you saying in general the entire House, Senate and the Congressional. I want clarification on what is being said by any District as it relates to us.

>> COMMISSIONER CLARK: Okay, Executive Director Woods, why don't we specify that to be the Congressional Senate and House Districts.

>> MR. EDWARD WOODS: Are you able to see the changes I'm making in real time or no? I know you can't see it Commissioner Lange, but I want to know if it's on the screen. So.

>> COMMISSIONER CLARK: You have already done that.

>> MR. EDWARD WOODS: Okay let me read it for those who are on the phone.

>> COMMISSIONER CLARK: Yes, please do.

>> MR. EDWARD WOODS: Is that okay Commissioner Lange or did you want to comment?

>> COMMISSIONER LANGE: I still want clarification though as to when you say when it was just said that it was anyones that reflect on us, are you talking ones that we actually drew? As far as an independent, as a Commissioner myself, are you talking about a District that I may have drawn? Or are you talking in whole? That's the specification I want.

>> COMMISSIONER CLARK: I think the changes he made clarifies that for you, Commissioner Lange. Go ahead and read it.

>> MR. EDWARD WOODS: It says Commissioners shall not -- this is based on the comments of the Commission in real time just so everyone knows. Commissioner Orton's and Commissioner Szetela and Commissioner Eid. Commissioners shall not lobby as defined in the Michigan lobby registration act, act 472 of 1978 except as it pertains to the Independent Citizens Redistricting Commission as permitted in the Michigan Constitution Section 6 of subsection 6 to carry out their duties. For the duration of their tenure as Commissioners, no Commission will publicly oppose nor support any candidate or partisan elected official in Michigan's Congressional, State Senate and State House districts.

>> COMMISSIONER CLARK: Does that satisfy you, Commissioner Lange?

>> COMMISSIONER LANGE: Okay and I have one more question then. What is the definition being used for support? I'll be forthcoming because I'm honest like that. I

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

>> COMMISSIONER CLARK: Okay, we will get some other comments then we will make sure that question gets resolved. Commissioner Witjes did you have any comments?

>> CHAIR WITJES: No, sir.

>> COMMISSIONER CLARK: Okay thank you. Mr. Fink, do you have a comment to make?

>> Thank you, Mr. Chairman. So I think the point that Commissioner Lange brings up is actually a good one. Which is it's really hard to draw lines when you are in this space. So what does support mean, what does oppose mean? And beyond that I understand the spirit of what this revised amendment to the provision is trying to convey, which is you are doing the work-related to the Commission is drawing the lines for the districts, so you don't want to be involved in partisan politics related to those districts. But again if you start drawing lines in the first amendment context, I think that gets tricky. Again, in this Commission and frankly throughout all of Government, all layers of Government you have partisan affiliations that are strong. And this is not, like I said, a nonpartisan Commission. It's a bipartisan Commission that explicitly contemplates partisan members. And so I think that even with this tweak to the language we would still possibly have some first amendment concerns that could arise. So I just wanted to share that and share my perspective on it.

>> COMMISSIONER CLARK: Thank you, Mr. Fink. Commissioner Eid, you have a comment?

>> COMMISSIONER EID: Yeah, you know I certainly agree with what Commissioner Lange said. I think all of us as individuals and as voters have a responsibility to learn about the folks we are voting for. And take that responsibility seriously. And knowing what that person stands for. And if we want to vote for them or not. You know, before the last election I attempted town halls to listen to both the republican and the democrat that were running in my District speak to try to learn about them and decide which one I wanted to vote for. Also didn't like Commissioner Lange did not donate any money or anything like that or do fund raising but I did sit there and listen to what the candidates had to say because I take my responsibility to vote seriously.

So I guess I'd have the same concerns as her. Maybe as Commissioner Szetela said a little while ago maybe we should just delete this part and keep it to the lobbying that is in the Constitution.

>> COMMISSIONER CLARK: Thank you Commissioner Eid, Commissioner Szetela, you had a comment?

>> COMMISSIONER SZETELA: Yeah, I mean I think Rhonda is kind of on to something in a way that we could limit this to have it address what we are really concerned about. I think what we are really concerned about is activities that compromise the integrity of the Commission. So if you have someone publicly supporting a candidate, or publicly opposing a candidate, they should then not have a hand at drawing that person's District. Because it creates this appearance that there is some sort of influence. And I'm wondering if we could, you know, with your help, Nate, narrow the language so it's not as broad of a restriction that you can't publicly oppose or support but that if you do publicly oppose or support someone then you are restrained from drawing, commenting or changing a District or, you know, that might impact that person. Does that make sense?

>> Can I respond? I don't want to speak out of turn. But Commissioner Szetela, I think something like that could work. I mean, I think as, you know, as you know probably better than most other Commissioners as a lawyer there is some risk involved, I think when you're restricting speech in one way or another, or the Government is involved with that, right? But sometimes there can be a justification for that. And you know, there are certain limitations that are permitted under the Constitution. And now the one thing I will say is I'm not sure that we will be able to sort of do this, you know, by committee right now and get the language. But I think, you know, certainly by the next meeting we can work on trying to get language that would, you know, address that issue. And be as narrowly tailored as possible to avoid, you know, constitutional issues to the greatest extent possible.

>> COMMISSIONER CLARK: And, Mr. Fink, would you be working with Mr. Woods to adjust that language?

>> Yes, I would be happy to work with Mr. Woods and other Commissioners to adjust that language in advance of the next meeting.

>> COMMISSIONER CLARK: Okay thank you. Commissioner Orton you had a comment?

>> VICE CHAIR ORTON: I think that sounds like a really good idea. So I think the rest of the changes on here are kind of syntax or typos or whatever. And so I'm thinking that we could end this discussion and bring it back next time after some of those changes are made by Mr. Fink and Mr. Woods.

>> COMMISSIONER CLARK: Thank you, Commissioner Orton, Commissioner Lett you have a comment?

>> COMMISSIONER LETT: Yes, thank you. I am somewhat intrigued by Rebecca's concept of having a Commissioner who may publicly support a candidate in a District being excluded from drawing that District. I don't think that, in my opinion, that would be possible since the Commission consists of the 13 Commissioners as a body. Not as individuals. Now, we don't all vote alike, that's true. But the body approves or disapproves those districts. So I think excluding a Commissioner would not be constitutionally provided for.

>> COMMISSIONER CLARK: Thank you Commissioner Lett. Commissioner Szetela, you have another comment?

>> COMMISSIONER SZETELA: Yeah, not in response to what Steve just said but will is under Section F you did kind of expand out to include rules and procedures, conflict of interest policy and a couple things there. That is not just syntax Cynthia so.

>> COMMISSIONER CLARK: Okay we will get to that Section after we finish with Section C. Any other comments, Commissioner Lett, do you have any?

>> COMMISSIONER LETT: No.

>> COMMISSIONER CLARK: Okay.

>> COMMISSIONER WITJES: I have a question, Commissioner Witjes.

>> COMMISSIONER CLARK: Commissioner Witjes your question.

>> COMMISSIONER WITJES: Yeah, I kind of agree with what Steve is saying here. But my I guess thought is in that case wouldn't that Commissioner just abstain from the vote for approving that particular District? If they run into that problem?

>> COMMISSIONER CLARK: I don't believe we voted on districts. I think we voted on the entire map.

>> COMMISSIONER WITJES: I guess you are right, never mind. I withdraw my question.

>> COMMISSIONER CLARK: Okay thank you Commissioner Witjes. Commissioner Szetela?

>> COMMISSIONER SZETELA: Yeah, I would just ask that Nate takes a look at it. See if he can come up with some proposed language obviously look into the constitutional potential issue that Steve is raising. In light of the other language that's already in the Constitution about, you know, maintaining impartiality, maintaining transparency, all obligations that are on individual Commissioners. Then maybe propose something back to us that we can look at. I think that would be a good route.

>> COMMISSIONER CLARK: I think that is the approach we need to take. Commissioner Eid, did you have a comment?

>> COMMISSIONER EID: Nope we are good.

>> COMMISSIONER CLARK: Good. All right, we need to move on. There is another number of other items that have been red lined. And Commissioner Szetela indicated we might want to take a look at F as one of those that is not a typographical or an

administrative change. Let me turn it back over to Executive Director Woods to go through D-I, please.

>> MR. EDWARD WOODS: All right can you hear me?

>> COMMISSIONER CLARK: Yeah.

>> MR. EDWARD WOODS: Okay, great. This one I think Commissioner Orton hit it, it's just a wording change. Just to read more, please, absolutely. Commissioners shall foster an environment of thoughtful and purposeful. We can probably take out nonpartisan and just say congeniality. I don't think that is necessary. So we can do that.

I think here shall be respectful, tolerant and impartial. F we included the Michigan Constitution because that is the order of what's binding Michigan Constitution. In the Michigan Constitution it provides the Commission or empowers the Commission to do rules and procedures. And then we also have the code of conduct, the conflict-of-interest policy and then a catch all by saying in all rules and regulations set forth or enacted by the Commission.

G and H are the same. And then an I, third-party is just a hyphen between third and party, just a grammatical change.

>> COMMISSIONER CLARK: Thank you Mr. Woods. I think we have a plan for the code of conduct. And that is that Mr. Woods and Mr. Fink will get together, give us a solid draft. And include the comments from other Commissioners. And get that distributed before the next meeting so we can review it. And then hopefully we will have a motion to approve the changes. Any other comments on this subject?

>> MR. EDWARD WOODS: For the public that is listening we will have this posted on the website.

>> COMMISSIONER CLARK: Okay, thank you. Next on our agenda is unfinished business item reviewing the conflict of interest. Without objection I will ask local counsel, Nate Fink to facilitate this item. Hearing no objection, please proceed, Mr. Fink.

>> And I may ask Mr. Woods to share the document again. I believe this one is another one where there was some proposed.

>> COMMISSIONER CLARK: Yes.

>> Tweaks so I don't have that version with me.

>> COMMISSIONER CLARK: Okay.

>> And, again, as with the code of conduct I'm hopeful that the Commissioners have had an opportunity to review this document. It's obviously been adopted and effective now for a couple of years. And, you know, seeks to address conflict of interest issues that may arise related to the Commission. I believe there was a conflict management or questions surrounding the conflict management provision which I think is E3. And happy to engage in any discussion that the Commission might have related to proposed modifications here.

>> COMMISSIONER CLARK: Okay.

>> MR. EDWARD WOODS: Just going over it Commissioner Clark?

>> COMMISSIONER CLARK: Yes.

>> MR. EDWARD WOODS: I think one of the things that came up on D2 and the policy was that it sounded ambiguous. And Commissioner Orton please correct me if I'm wrong, but it just wasn't there. So I will turn it back to Commissioner Orton.

>> COMMISSIONER ORTON: Yeah, I can't quite read it. Can you Zoom it up a little bit?

>> MR. EDWARD WOODS: Sure, I'm sorry. I got it at 100% but we need to Zoom it to 125. That was our magic number. That better?

>> VICE CHAIR ORTON: Yeah. I just agreed with you that it is kind of ambiguous. So the indirect, all direct or indirect potential or actual conflicts. What does that mean? But I don't know if we need to clarify, if it's working okay for us.

>> MR. EDWARD WOODS: And if that is a challenge you want to give to Mr. Fink and I, we accept because no mission is impossible.

>> COMMISSIONER CLARK: I think we should follow the same process that we talked about in the previous item. And have Mr. Fink and Edward modify the draft. And mail it out to the Commissioners for review before the next meeting. Are there any other comments on this document, on the changes for this document?

>> MR. EDWARD WOODS: I think the other one was identifying unauthorized person.

>> COMMISSIONER ORTON: Yeah.

>> MR. EDWARD WOODS: In the course of the duties because I didn't know what that meant to be honest with you. Obviously, we have the Secretary of State as the Commission who is secretary to the Commission, I just don't think we need to -- we just need to be clear in terms of that, the other ones are just grammatical changes. And then that one is as well.

Oh, sorry, I went too fast. This one here should the Commission review employment of all of its agents to ensure no conflict of interest, right now we are depending on the honor system. And the comment that Commissioner Orton says it would be cumbersome and invasive and not stated in the amendment or in the applications we filled out. However this is just my opinion. We thought this would be a good discussion for the group because what we are trying to do is to ensure that the rules apply to each and every Commission. And not just one over the other. So what would be the best process in order to ensure consistency? Because one person may feel is a duty to disclose someone else might not feel the same way. And if that is a mission impossible now to become possible that we are pointing to Mr. Fink and myself, we will attempt to do so. But obviously good to have feedback from Commissioners.

>> COMMISSIONER CLARK: Okay any comments on this? Let me ask the people on the phone, Commissioner Witjes, do you have a comment?

>> CHAIR WITJES: No comment.

>> COMMISSIONER CLARK: No comment. Commissioner Lange, you have a comment?

>> COMMISSIONER LANGE: No comment.

>> COMMISSIONER CLARK: Commissioner Wagner, do you have a comment?

>> COMMISSIONER WAGNER:

>> COMMISSIONER LANGE: No comment.

>> COMMISSIONER CLARK: Thank you. Do you have any other comments to make, Mr. Woods?

>> MR. EDWARD WOODS: So we will come back with that one.

>> COMMISSIONER ORTON: I have a comment.

>> COMMISSIONER CLARK: Commissioner Orton.

>> COMMISSIONER ORTON: I saw Juanita's hand and doesn't know if she has a comment.

>> COMMISSIONER CLARK: Commissioner Curry do you have a comment?

>> COMMISSIONER CURRY: I was going to say it's pretty accurate. But if you can just tune up the words a little bit better, where it's very obvious what we are saying, it probably would be a little better. But it sounds pretty accurate to me.

>> COMMISSIONER CLARK: Thank you Commissioner Curry. Commissioner Wagner, do you have a comment?

>> COMMISSIONER WAGNER: I do not.

>> COMMISSIONER CLARK: Okay, Commissioner Orton?

>> VICE CHAIR ORTON: So my comment is I really don't like the idea of us having to pass every employment by somebody. That just doesn't sit well with me. But then again if it were on the honor system so if someone feels that it's a conflict they bring it forward. If not, they don't. Obviously I think most of the times people are not going to feel like something is a conflict or they wouldn't be doing it anyway. So it is kind of a conundrum, but I think Mr. Fink and Mr. Woods can see what they can figure out.

>> COMMISSIONER CLARK: One of the alternatives is to pass all employment on to the Commission. Whether they think it's relevant, or not. And get the Commission's approval. So that's someone approach. Commissioner Eid?

>> COMMISSIONER EID: Another approach that might be able to solve this problem that we find ourselves in is maybe having some sort of layer of security or something like that. And that might be able to be done by Commissioners submitting all employment to, you know, a team that can consist of the Executive Director and legal team. And then if they determine that it even could be a conflict of interest, that would then come to us. That way there is like a level of protection there. And privacy. But also makes it so that, you know, that everybody submits any potential conflict whether or whether or not they personally think it might or might not be.

>> COMMISSIONER CLARK: Commissioner Szetela?

>> COMMISSIONER SZETELA: I don't understand why anyone would need privacy over a job they have taken somewhere when they have a Commissioner. Where they are employed by. That is public information. Yeah I understand Cynthia's concerns we don't want to make this cumbersome but I think we probably need a better process than what we had. Because you know relying on the honor system has not really worked well for us in the past. So Nate, I would just challenge you to come up with something that you think is suitable and appropriate for us to review based on your experience particularly working with other Government entities where they have similar policies or other corporations where they have similar policies and see if they can give us to something to chew on more rather than theoreticals.

>> I'm happy to do that and accept the mission. Not impossible. I don't know which one of us, Edward or me is Tom Cruise but we will have to point it out. Happy to do that. Like pretty much every governing body there is a constitutional amendment that governs you know how the Commission is supposed to function at least, you know, at a high level. And so we need to be careful that whatever we are doing is consistent with that. And you know, of course, the Commission itself has sort of final say on, you know, making the decisions and that sort of thing. So but absolutely. We will take our best shot at it for sure.

>> COMMISSIONER CLARK: Thank you Mr. Fink. Commissioner Eid, did you have another comment?

>> COMMISSIONER EID: Yeah, I just think whatever policy that we enact we need to make sure it limits bias. There definitely are privacy concerns. I have privacy concerns as somebody who sees themselves as an advocate. And who might or might not want to work in advocacy which is allowed under the Constitution. So whatever we do we just might, you know, we need to figure out a way so that it reduces bias. And figure out a way where Commissioners feel comfortable, you know, saying that there is a potential conflict. I want to make sure we focus on this word potential because the perception of something is not always equal to the reality of something else. Something could be perceived in one way and the actual facts could be different understanding of the situation. So I would just ask that whatever we decide to pass we make sure it reduces bias and does not conflict with the Constitution.

>> COMMISSIONER CLARK: Okay, any other comments? Okay seeing none, we will continue with the same approach. Mr. Woods and Mr. Fink will get together, modify the document. And get it distributed to the Commission prior to the next meeting. And we will have additional comments and review with motion to approve the changes at that point in time, okay.

Okay great thank you very much. Next on our agenda is new business item vacation requests for the Executive Director. I will speak to this. If you could bring up the slide, Mr. Woods. With that, while he is doing that, okay, great. Mr. Woods has put in a request to have -- take a vacation which he has not had one since he started work with

us. It's not in his current contract. We modified his contract at the last meeting but that's not effective until October 1 and that new contract provides him with paid vacation. And Mr. Woods has asked that we provide him one week's vacation from September 25th to starting Monday September 25th through Friday, September 28th. I think the dates may be a little wrong. But anyway the last week of the month.

So do we have any comments? Commissioner Curry you have your hand up.

>> COMMISSIONER CURRY: Yeah, I have my hand up because I have to leave in about five minutes for my doctor's appointment. And when it's over I will come back to the station.

>> COMMISSIONER CLARK: Okay thank you Commissioner Curry. Ms. Reinhardt, do we still have a quorum if Ms. Curry leaves.

>> MS. SARAH REINHARDT: We do.

>> COMMISSIONER LETT: Approval of the request

>> COMMISSIONER SZETELA: I second.

>> COMMISSIONER CLARK: I'm sorry, let me could you say that again
Commissioner Lett?

>> COMMISSIONER LETT: I move approval of the request.

>> COMMISSIONER CLARK: Okay I have a motion to approve the request. A second by Commissioner Szetela. Okay Commissioner Eid you have a comment.

>> COMMISSIONER EID: Yeah. I definitely would support Commissioner Executive Director, I can't speak today sorry, Executive Director Woods being able to take a vacation. My only question is, you know, we do have a trial coming up, so I just want to make sure these proposed dates won't conflict with the preparation for that in any way.

>> COMMISSIONER CLARK: I believe they won't. He has done a lot of up-front work. I know he has this week. And this vacation request is for next week. Which is before trial.

>> COMMISSIONER LANGE: I have a question.

>> COMMISSIONER CLARK: I think Mr. Woods could probably speak to that better than.

>> MR. EDWARD WOODS: Sure, Commissioner I met yesterday and did a site visit in preparation for the meeting. I have a meeting tomorrow with Baker Hostetler and Bressack as well. So if anything pops up, I can handle it, so we are clear. We will not leave things unguarded at that time. But you don't have to worry about that at all. But we have a room. We have been negotiating hotel rates with regards to the state rate. And just trying to identify how we're going to do costs. I have a little bit in my Executive Director's report I can share. But if there is anything that needs to be done next week, I will make myself available.

>> COMMISSIONER CLARK: Is that satisfactory, Commissioner Eid?

>> COMMISSIONER EID: Oh, yeah, that is perfect.

>> COMMISSIONER CLARK: Commissioner Lange, you had a comment?

>> COMMISSIONER LANGE: I'm curious, you said that he hasn't taken any vacation the entire time. Is that a miss speak? Because they were granted vacation the first time we changed the contract. So and I'm confused because I thought that I perceived -- and I'm not -- I mean no disrespect, but everything flows together to be honest. But I thought I received different vacation times already. And I'm a little confused because when we changed contracts the very first time, we added in vacation time and such I thought.

>> COMMISSIONER CLARK: I'm not aware of it. Commissioner Woods do you want to comment on it?

>> MR. EDWARD WOODS: That is when we changed the contract last year effective October 1, 2022 to September 30th where there is no vacation time or holiday pay in the contract.

>> COMMISSIONER LANGE: Was that because of the part time status?

>> MR. EDWARD WOODS: Correct.

>> COMMISSIONER LANGE: Okay.

>> COMMISSIONER CLARK: Commissioner Szetela you have a comment?

>> COMMISSIONER SZETELA: I was going to say exactly what Edward said they had some vacation time in it but the revised with the part time do not.

>> COMMISSIONER CLARK: The one that is effective October 1 will have it as well. We are just missing for this request here we have a motion on the floor, the motion is to approve the vacation request for Mr. Woods. All in favor say aye. Aye.

All opposed say nay.

>> COMMISSIONER LANGE: Nay.

>> COMMISSIONER CLARK: Okay we have one vote against, and I think we have ten Commissioners left and four. So the ayes have it. And it prevails and the motion is adopted. Next on the agenda new business item fiscal year 23 financial report for August. I will ask MICRC executive director Edward Woods III to present this item. Mr. Woods?

>> COMMISSIONER LETT: You are muted Edward.

>> COMMISSIONER CLARK: We can't hear you, Edward.

>> MR. EDWARD WOODS: How about that can you hear me now.

>> COMMISSIONER CLARK: Yes.

>> MR. EDWARD WOODS: Let me start over thank you Commissioners for approving the request for vacation, greatly appreciate it. For August 2023 we have we spent 133,801.31. As usual the technology Internet purchases through the state is always a month delayed. So we don't have that for August. I did speak to Mr. Brace again and we are still waiting for bills for June, July and August. May he said that we didn't have any expenses, so he is planning to get that to us.

The litigation Council was 45,464.92. For the month of August. Our local counsel 19,382.04. VRA was roughly 1800. And everything else is pretty much standard. So

once we get those bills from, we are looking at three bills technology, our consultant line drawing and our professional services, Mr. Wines was on vacation and just returned this week. We will have a better picture, but this is where we are right now. If there are any questions, I can take them.

>> COMMISSIONER CLARK: Thank you Mr. Woods. Are there any questions or comments from the Commissioners? Okay, Commissioner Witjes, do you have any comments?

>> CHAIR WITJES: No comments.

>> COMMISSIONER CLARK: Commissioner Wagner do you have any comments?

>> COMMISSIONER WAGNER: None other than I had to put my reading glasses on to see that. Other than that we are good, thank you.

>> COMMISSIONER CLARK: We will try to make the text bigger next time. Commissioner Lange, do you have any comments?

>> COMMISSIONER LANGE: No comments.

>> COMMISSIONER CLARK: Okay, no comments, we will move forward then. To our next agenda item. And which is a new business item. Extend the service corporation contract. Without objection I will ask MICRC director Edward Woods III to present this item. Hearing no objection please proceed Mr. Woods.

>> MR. EDWARD WOODS: Hold on, I'm just switching. There we do. Because of pending litigation the Commission needs to extend temporary service contract with Abacus for payroll and expense. The contract is more or less temporary for September 30, 2023. The state's contract ends October 31, 2025. Commissioner Lett and I met with Abacus last week and had a very good meeting on clarity in terms of what's going on. And a review. We are going to keep the same terms and agreement as before. And so what we need is a motion to move to extend the MICRC contract with Abacus corporation with the same terms and agreements to October 31st, 2025.

>> COMMISSIONER LETT: So moved.

>> COMMISSIONER CLARK: Comments or do I have a motion? Commissioner I have not heard a motion yesterday.

>> COMMISSIONER ROTHORN: It was from Commissioner Lett motioned and I'm seconding.

>> COMMISSIONER CLARK: Okay, thank you Commissioner Lett, for the motion and the second is from the Commissioner Rothorn. Do I have any comments? From the Commissioners? Commissioner Wagner, comment?

>> COMMISSIONER WAGNER: I don't.

>> COMMISSIONER CLARK: Commissioner Lange?

>> COMMISSIONER LANGE: No comment.

>> COMMISSIONER CLARK: Commissioner Witjes?

>> CHAIR WITJES: No comment.

>> COMMISSIONER CLARK: Okay no comments. I have a motion on the floor and that motion is to extend the Abacus service agreement through October 2025 with its current terms, all in favor raise your hand and say aye.

Aye.

All opposed? Raise your hand and say nay.

Okay, so unanimous vote, the ayes have it.

And prevail and the motion is adopted.

Next on the agenda for new business is item 6D, increase cap for litigation counsel. Without objection I will ask our Executive Director to present. I will add in my remarks after he speaks. Hearing no objection, please proceed, Mr. Woods.

>> MR. EDWARD WOODS: Just so the Commissioner is aware we have contract caps that we are required to increase, you know, once we get to the contracts, so we do not have an audit finding. As an update for Election Data Services our contract cap is 1,779,000. We spent 1,307,860.81. Our remaining is 471,139.19. For Federal Compliance which is our Voting Rights Act legal counsel and cap is 500,000 and spent 243,644.31. With regards to that. And then we have hold on, give me a chance to change Baker Hostetler, our litigation counsel. We have a 3 million cap and we spent so far 2,259,590.10. And then for our Fink, we have a million and spent 534,386.48 with remaining 465,613.52. So what we are trying to do is to look at our finances knowing that we have litigation coming. In March of last year when we had the last case, we spent about 439,000 to defend for one particular month. For this particular case it's going to be more resources. So we wanted to up that up to about 500,000. So there is a potential between this month and possibly between now and the end of November that we might end up spending a million dollars. Obviously with this month it's in the current fiscal year. But the cap is an aggregate amount. It's not unlimited to a fiscal year. And so what I would like to have the Commission do is to move to increase the cap for Baker Hostetler from 3 million to 4,500,000. We will have a better idea of where we are in November or December because there's a possibility if there is appeals or what have you that we may need to go back to the legislature for more funds. But to be prudent and fiscally responsible the motion at this point is to go from 3 million to 4,500,000. If there are any questions I can take them at this time.

>> COMMISSIONER CLARK: Your motion is for Baker Hostetler not the other two.

>> MR. EDWARD WOODS: I think we have enough money right now and not as much of a concern. Obviously, we will be monitoring that monthly and we can increase those caps if necessary.

>> COMMISSIONER CLARK: All right Commissioner Eid you have a question.

>> COMMISSIONER EID: I just think we don't have a choice, but I think it's unfortunate. We spent more money now defending our maps than we did creating them. You know, a lot of people are, rightfully so, watching the money, you know, the taxpayer money that we spend as they should be. But, you know, it's just I think I find it

very unfortunate we had to spend this much money defending our maps when we are so fiscally responsible in the actual creation of them. It's interesting, you know.

>> COMMISSIONER CLARK: I agree Commissioner Eid, but I think we knew this was coming when we had our initial conversations with the state of California and how much they spent defending their maps. It's quite equivalent to what we are doing here. So it's not -- it does not deviate a whole heck of a lot. Commissioner Lett?

>> COMMISSIONER LETT: I move we increase the cap to 4.5 million.

>> COMMISSIONER CLARK: Okay I have a motion to increase the cap. Is there a second? Commissioner Orton seconds it.

Commissioner Szetela, you have a comment?

>> COMMISSIONER SZETELA: Yeah, I just had one comment that I brought up before is that if we want to avoid these costs, we could consider engaging in some settlement discussions with the Plaintiffs just an observation.

>> COMMISSIONER CLARK: Okay, any other comments? Commissioner Wagner?

>> COMMISSIONER WAGNER: None on my side.

>> COMMISSIONER CLARK: Commissioner Witjes?

>> CHAIR WITJES: No comment.

>> COMMISSIONER CLARK: Commissioner Lange?

>> COMMISSIONER LANGE: No comment.

>> COMMISSIONER CLARK: Okay, all right, we have a motion on the floor to increase move to increase the cap for Baker Hostetler counsel from 3 million to 4.5 million. All right, all in favor of that motion say aye and raise your hand, please.

Aye.

All opposed say nay and raise your hand, please.

>> Nay.

>> COMMISSIONER CLARK: Ms. Reinhardt let's have a revote on it and let's do a roll call, please.

>> MS. SARAH REINHARDT: Certainly. Commissioners, please state your support of the motion with a yes or a no. I will call on Commissioners in alphabetical order starting with Doug Clark?

>> COMMISSIONER CLARK: Yes.

>> MS. SARAH REINHARDT: Just one moment, I'm checking to see if Juanita has returned. I don't think she has returned yet. Anthony Eid?

>> COMMISSIONER EID: Yes.

>> MS. SARAH REINHARDT: Brittini Kellom? Sorry she is not present. Rhonda Lange?

>> COMMISSIONER LANGE: No.

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Yes.

>> MS. SARAH REINHARDT: Cynthia Orton?

>> VICE CHAIR ORTON: Yes.

>> MS. SARAH REINHARDT: MC Rothhorn?

>> VICE CHAIR ROTHORN: Yes.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> COMMISSIONER SZETELA: No.

>> MS. SARAH REINHARDT: Janice Vallette?

>> COMMISSIONER CLARK: We couldn't hear you, Janice.

>> COMMISSIONER VALLETTE: Yes.

>> MS. SARAH REINHARDT: Erin Wagner?

>> COMMISSIONER WAGNER: No.

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: Yes.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> CHAIR WITJES: Yes.

>> MS. SARAH REINHARDT: By a vote of eight yes to three no, the motion carries.

>> COMMISSIONER CLARK: Thank you very much. The ayes prevail. And the motion is adopted. Let's move on to our next business item was the election of the Chairperson and Vice Chairperson. Without objection we will proceed with the election process. May I have nominations for the Chairperson, please? Commissioner Lett?

>> COMMISSIONER LETT: I nominate Cynthia Orton.

>> COMMISSIONER CLARK: Okay.

Cynthia has been nominated. Commissioner Eid?

>> COMMISSIONER EID: I was going to second that nomination, but I don't think that is necessary.

>> COMMISSIONER CLARK: Okay.

Any other nominations? Okay, Commissioner Orton, is that acceptable for you if you get elected, do you accept the position?

>> VICE CHAIR ORTON: I will do my best. I do see Commissioner Wagner's hand.

>> COMMISSIONER WAGNER: I would like to nominate Rebecca.

>> COMMISSIONER CLARK: Okay do I have a second to Rebecca's nomination? With Commissioner Szetela's nomination.

>> MS. SARAH REINHARDT: There is a second.

>> COMMISSIONER CLARK: I got a second for that as well. Okay, Commissioner Szetela, if you're elected do you accept that position or not?

>> COMMISSIONER SZETELA: So I appreciate the suggestion that I be Chair again. But I think it's Cynthia Orton's turn and I think we should let her have the opportunity to be Chair. I think she will do a wonderful job however I would consider being Vice Chair again if Commissioner Wagner and Lange wanted to suggest that I would asking that.

>> COMMISSIONER CLARK: Okay, fine, thank you very much, Commissioner Szetela. We still have you as being nominated. I'm assuming you are taking your name off at this point so for Chairperson.

All right we've got one individual nominated for Chairperson. I will take a vote and all in favor of having Commissioner Orton as the Chairperson for the next six months raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

>> COMMISSIONER WAGNER: Nay.

>> COMMISSIONER LANGE: Nay.

>> COMMISSIONER CLARK: I have one nay.

>> MS. SARAH REINHARDT: Two nays Mr. Chair.

>> COMMISSIONER CLARK: Two nays and nine ayes so the motion carries.

And congratulations, Commissioner Orton.

All right secondly, we need to take nominations for Vice Chair. Do I have any nominations for that? Commissioner Lett?

>> COMMISSIONER LETT: Yeah, I nominate Anthony Eid.

>> COMMISSIONER CLARK: Okay do I have a second for Mr. Eid? Commissioner Eid?

>> VICE CHAIR ORTON: I don't think we need a second.

>> COMMISSIONER CLARK: I'm sorry I couldn't hear you.

>> COMMISSIONER ORTON: I don't think we need the second nominations.

>> COMMISSIONER CLARK: Okay Commissioner Eid, Commissioner Eid, if elected are you willing to take the position?

>> COMMISSIONER EID: Sure if elected I would gladly accept the nomination.

>> COMMISSIONER CLARK: Any others Commissioner Orton?

>> VICE CHAIR ORTON: I would like to nominate Janice Vallette.

>> COMMISSIONER CLARK: Do I have a second on Ms. Vallette.

>> COMMISSIONER EID: I will second that.

>> COMMISSIONER CLARK: I have a second, I'm sorry I missed who did the second. Commissioner Eid was that you? Commissioner Szetela seconds it. Do you have a nomination, Commissioner Szetela?

>> COMMISSIONER SZETELA: No I actually just have a comment so in the past when someone has been elected Chair that person has taken over. And, Cynthia, I'm not sure if you are comfortable doing that, just a suggestion from past procedures because she is now the Chair.

>> COMMISSIONER CLARK: I was going to do that right after we got the Vice Chair as soon as we got past this agenda item. Okay. So all right any other nominations?

>> COMMISSIONER LANGE: I nominate Szetela.

>> COMMISSIONER CLARK: Commissioner Szetela has been nominated by Commissioner Wagner. So we've got Commissioner Eid, Commissioner Vallette and Commissioner Szetela. Commissioner Szetela, are you willing to accept if you are nominated?

>> COMMISSIONER SZETELA: Yes.

>> COMMISSIONER CLARK: And I'm not sure if I asked you the question are you willing to accept if nominated or if elected?

>> COMMISSIONER VALLETTE: Are you asking me?

>> COMMISSIONER CLARK: Yes.

>> COMMISSIONER VALLETTE: I would but I think Commissioner Szetela and Commissioner Eid both have more experience doing this than me.

>> COMMISSIONER CLARK: So your answer is?

>> COMMISSIONER VALLETTE: Yes.

>> COMMISSIONER CLARK: Yes, you will accept or not accept.

>> COMMISSIONER VALLETTE: I will accept.

>> COMMISSIONER CLARK: Okay good. Commissioner Eid, do you have a question?

>> COMMISSIONER EID: A comment. I was just going to say I think you have a perfect amount of experience, Ms. Vallette. And I think you would do a wonderful job if elected.

>> COMMISSIONER CLARK: I do too. So we've got three candidates. I am going to ask Ms.

>> MR. EDWARD WOODS: Commissioner Rothhorn had his hand up.

>> COMMISSIONER CLARK: I'm sorry Commissioner Rothhorn?

>> VICE CHAIR ROTHORN: I really would love to see Richard consider accepting the Vice Chair position.

>> COMMISSIONER CLARK: Okay so we have a nomination for Commissioner Weiss. Are you willing to accept, Commissioner Weiss, if you get elected?

>> COMMISSIONER WEISS: At this point in time I think I will decline for now.

>> COMMISSIONER CLARK: Okay, so he has declined so we still only have we have three individuals nominated. So I'll ask the Michigan Department of State to conduct a roll call vote with the Commissioners for the candidate of their choice.

>> MS. SARAH REINHARDT: Certainly Commissioner Eid has his hand raised.

>> COMMISSIONER EID: I'm going to withdraw my nomination. I appreciate you nominating me, Commissioner Lett. Maybe sometime in the future I will be voting for Janice.

>> COMMISSIONER CLARK: Thank you very much Commissioner Eid. So we are down to two. Ms. Reinhardt could we get a roll call vote on this?

>> MS. SARAH REINHARDT: Certainly, Mr. Chair. Commissioners, please indicate your support of your preferred candidate by stating their name. Again the candidates

are Commissioner Szetela and Commissioner Vallette. I will call on you in alphabetical order starting with Anthony Eid?

>> COMMISSIONER EID: Commissioner Vallette.

>> MS. SARAH REINHARDT: Rhonda Lange?

>> COMMISSIONER LANGE: Szetela.

>> MS. SARAH REINHARDT: Steve Lett?

>> COMMISSIONER LETT: Commissioner Vallette.

>> MS. SARAH REINHARDT: Cynthia Orton?

>> VICE CHAIR ORTON: Commissioner Vallette.

>> MS. SARAH REINHARDT: MC Rothhorn?

>> VICE CHAIR ROTHORN: Commissioner Vallette.

>> MS. SARAH REINHARDT: Rebecca Szetela?

>> COMMISSIONER SZETELA: Szetela.

>> MS. SARAH REINHARDT: Janice Vallette?

>> COMMISSIONER VALLETTE:

>> MS. SARAH REINHARDT: I'm sorry Commissioner Vallette we couldn't hear you.

>> COMMISSIONER VALLETTE: Vallette.

>> MS. SARAH REINHARDT: Thank you Erin Wagner?

>> COMMISSIONER WAGNER: Commissioner Szetela.

>> MS. SARAH REINHARDT: Richard Weiss?

>> COMMISSIONER WEISS: Commissioner Vallette.

>> MS. SARAH REINHARDT: Dustin Witjes?

>> CHAIR WITJES: Commissioner Vallette.

>> MS. SARAH REINHARDT: Doug Clark?

>> COMMISSIONER CLARK: Commissioner Vallette.

>> MS. SARAH REINHARDT: I'm just checking to confirm if Commissioner Curry has returned, and she has not. So Commissioner Szetela received three votes and Commissioner Vallette received eight votes.

>> COMMISSIONER CLARK: I'm sorry could you say the vote again, please.

>> MS. SARAH REINHARDT: Sure Commissioner Szetela received three votes and Commissioner Vallette received eight votes making Commissioner Vallette the new Vice Chair of the Commission. Congratulations.

>> COMMISSIONER CLARK: New Vice Chair. Commissioner Vallette congratulations. At this point I would like to turn the meeting over to our new Chair, Commissioner Orton.

>> COMMISSIONER ORTON: Thank you, Commissioner Clark. So we will move right on to the approval of the minutes. Director Woods, do you have those? That we can put up.

>> MR. EDWARD WOODS: I can put them on the screen, sure.

>> COMMISSIONER ORTON: So the draft minutes have been provided to the Commission before the meeting and are posted on the website. Are there any edits to the minutes? Seeing none after they are up, we can have a motion.

>> MR. EDWARD WOODS: Are we doing the July minutes Commissioner Orton or the August?

>> VICE CHAIR ORTON: July first, please. July 20 minutes. Did anyone notice any edits that need to be made?

>> COMMISSIONER LETT: I move the acceptance of the minutes as presented.

>> COMMISSIONER ROTHORN: Maybe with that addition that we remove that comment that Edward just passed through, yeah.

>> MR. EDWARD WOODS: We can get that removed.

>> COMMISSIONER ROTHORN: Okay.

>> COMMISSIONER ORTON: Do we have a second? Commissioner Rothorn? Okay the motion was made by Commissioner Lett, seconded by Commissioner Rothorn. All in favor of adopting these minutes from July 20th raise your hand and say aye.

Aye.

Any opposed say nay.

The ayes have it and the minutes are approved.

Next the minutes from August 17th meeting.

>> MR. EDWARD WOODS: Give me just a second. Does anyone have any edits for the August 17th meeting?

>> CHAIR WITJES: Move to adopt.

>> COMMISSIONER SZETELA: Second.

>> COMMISSIONER ORTON: Move to adopt by Commissioner Witjes. Second by I think I heard Commissioner Lett. Comment?

>> I actually did not anticipate commenting here. I noticed a couple little what looked to me to be errors in a couple of the vote counts. If you scroll down scroll up a little bit so this says motion approved 11-1 but the vote count has two no so I think there might be an error there.

>> COMMISSIONER ORTON: Dude catch.

>> MR. EDWARD WOODS: I think it's in the vote of Commissioner Curry.

>> Before we approve it, I just wanted to change the outcome of any of these and wanted to make sure we have it correct. I also notice one additional mistake I think in the one right above this so I think it would be E. It says motion approved 9-3 but I only counted 8 yes votes. But yeah.

>> COMMISSIONER ORTON: Yeah, you are right. Thank you. So with those corrections.

>> MR. EDWARD WOODS: Well hold on because somebody is missing and the only person that was absent was Commissioner Witjes. So I will have to go back and check to see which way Commissioner Lange voted because she is not listed.

>> COMMISSIONER ORTON: Shall we bring it back?

>> MR. EDWARD WOODS: I can bring the August minutes back.

>> COMMISSIONER ORTON: Okay thank you. And we will move on. The next item on the agenda is the Executive Director report. So without objection I will ask Executive Director Edward Woods III to provide this report. Please proceed Mr. Woods.

>> MR. EDWARD WOODS: All right as you know last meeting we moved the reports to the next one in terms of tabling the remaining of the agenda, so this refers to July. We had 8800 Page views 50% were the final District maps 17% in July the order was Michigan Virginia Illinois Georgia and Ohio. But the previous month it was Michigan, Virginia, Ohio, Illinois and New York. So I was just found that interesting in terms of what states are looking at us. In particular as they are looking at independent citizens Redistricting Commission people are looking at the Michigan model and figuring out or trying to decide whether or not they want to adopt that model or modify it as relates to their own Independent Redistricting Commissions. We had option interviews working on with the University of Michigan and has since been cancelled or I should say postponed. We did a follow-up with Abacus service corporation. Wanted to meet with them after six months to see how things were going or I should say 90 days to see how things were going. Then we got reminders that we have elections this coming up, in September, computer updates which you guys have been doing great and also about quarterly reports we made sure the legislature, the Governor's office knew where they could find the quarterly reports on the website so that they could check from the inception how the Commission is steward, the great fiscal stewarding's of the taxpayers' money. In the budget people were looking for information as to how the Commission was spending its money. It's a very open and transparent process and wanted to make sure that the new legislatures in particular knew how to access that information if there is any, making ourselves available. That was for July and August we -- I will move to the next one. We had 890 Page views 50% were to the final District maps, 19% to District maps by county. And this particular case in August Michigan, Virginia Ohio Illinois and Georgia were the top five in terms of ranking. Before it was Michigan, Virginia Illinois Georgia and Ohio. There is a lot of activity. If you may not know going on in Ohio with regards to the maps and their redistricting and the Supreme Court case. So we saw that. I met with the national conference of state legislatures. They do have a redistricting. They are a nonpartisan group that serves state legislatures all across the country. And they do have a redistricting task force so just trying to identify ways we can engage them and identify best practices. And listening to the Commission's concern about working with groups that may lean left or may lean right looking for groups that can be nonpartisan in nature and seeing what we can lean or glean from

other states or other best practices in terms of being a part of that discussion. AG prep for attorneys. With regards to our attorneys, they will be working on our case coming into Kalamazoo from October 30th to November 9th. They are scheduled and we have the Court case scheduled to start November 1st to the 3rd then resume on that following Monday, but they will be there that whole entire time including the weekend. Once again, the whole entire time including the weekend. So in addition to hourly rate obviously we have hotel costs, food costs, and meeting room costs and everything associated with that. I will be coming back at the next meeting so the Commission can kind of have an idea about how much money we anticipate spending in addition to I should say the attorney fees. The other costs associated with regards to the case. This also would include witness fees and witness transportation as well. Because we do have witnesses and looking at five witnesses, there could be more, that would be participating in this case. So this is an extensive process and one that obviously will require funding and making sure that we are prepared to defend the Commission's maps when it comes up in November. And once again I alluded to earlier with extension of Abacus that I spent time with Commissioner Lett with regards to our Abacus service contract to address ongoing payroll and reimbursement for the Commission, so it gets paid beyond September 30th, 2023. If there is any questions, Commissioner Orton, I can take them at this time.

>> COMMISSIONER ORTON: Thank you Mr. Woods. Any questions for Woods? Seeing none we will move to the next agenda item which is the legal liaison report. Without objection I will ask our legal liaison Commissioner Lett to provide this report. Please proceed, Commissioner Lett.

>> COMMISSIONER LETT: There is not a lot new to report. Obviously you have gotten the dates on the trial. I fully expect that the trial will commence at the date and time indicated. Since this is a special panel and they wouldn't have other cases that would be in front of it as a panel that doesn't mean that something couldn't come up in the meantime, but I would expect that it will move forward. If any of you follow nationally what's going on with redistricting, it's from a legal point of view it's interesting. Alabama refuses to follow the Supreme Court's order in redistricting their state. So they are back on track to go back to the Supreme Court and see what the Supreme Court does with that. Wisconsin elected a new Supreme Court justice, and she just took office and they are presently contemplating impeaching her. So that she wouldn't vote for what they feel would be a redistricting which would reduce in Wisconsin's case republican districts. So Virginia is another one, Alabama, Virginia, Ohio, so you're seeing an increase as Edward says in interest in some type of redistricting Commissioners or another way to redistrict to try to make a more fair representation so we will see how that comes out. Other than that unless there are some questions, that is where we are at.

>> COMMISSIONER ORTON: Thank you, Commissioner Lett. Any questions for Steve? Seeing none the next item on the agenda is the MDOS update. Without objection, I will ask Sarah Reinhardt or Mike Brady from the Secretary of State if they have an update. Hearing no objection, please proceed.

>> MS. SARAH REINHARDT: Thank you, Madam Chair. We have no updates today.

>> COMMISSIONER ORTON: Okay thank you Ms. Reinhardt. .

So correspondence if anyone is available or was received in advance of our meeting today along with written public comment to the Commissioners. Future agenda items are there any future agenda items that Commissioners would like to make sure is on the agenda? Commissioner Eid?

>> COMMISSIONER EID: I'm just looking at the schedule. We have one more meeting before the trial is set to commence.

>> COMMISSIONER ORTON: Uh-huh, right.

>> COMMISSIONER EID: Okay, cool.

>> COMMISSIONER ORTON: Anything else? Commissioner Rothhorn?

>> VICE CHAIR ROTHORN: I just wanted to acknowledge the response that Commissioner Weiss gave which was not at this time that he would consider it. So future agenda item, thank you very much.

>> COMMISSIONER ORTON: Thank you, he is in line. Okay, are there any announcements?

>> CHAIR WITJES: I don't really have an announcement but Commissioner Witjes here.

>> COMMISSIONER ORTON: Go ahead.

>> COMMISSIONER WITJES: Ms. Reinhardt can you give me a call after the meeting?

>> MS. SARAH REINHARDT: Certainly Commissioner Witjes.

>> COMMISSIONER WITJES: Thank you.

>> COMMISSIONER ORTON: Okay with all that done we are ready to adjourn our meeting.

>> COMMISSIONER LETT: I move to adjourn.

>> COMMISSIONER WITJES: Second.

>> COMMISSIONER ORTON: Motion made by Commissioner Lett seconded by Commissioner Rothhorn all in favor of adjourning the meeting raise your hand and say aye.

Aye.

Any opposed say nay.

Okay the meeting is adjourned at 11:38 a.m. Thank you.

>> CHAIR ROTHORN: Good meeting, folks.