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MICRC

20241017-1000 Meeting

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>> CHAIR EID: Good morning, everyone.

As Chair of the Commission, I call the meeting of the Michigan Independent Citizens Redistricting Commission to order at 10:06 a.m.

This Zoom webinar is being live streamed on YouTube on the 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 today's meeting. Please E-mail us at Redistricting@michigan.gov for additional viewing options or details on accessing language translation services for this meeting.

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

Today's meeting is also being recorded and will be available on our website at 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 the website along with written public comment submissions.

There is also a public comment portal that may be viewed by visiting the website which is once again www.Michigan.gov/MICRC.

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

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

>> MS. YOUNG: Good morning, Commissioners.

Please say present when I call your name. If you are attending the meeting remotely please announce during roll call you are attending the meeting remotely and unless absence is due to military duty state the physical location, county, city, township or the village and state which you are attending the meeting remotely.

I will begin roll call alphabetically with Commissioner Andrade?

>> ELAINE ANDRADE: Present from Imlay Township, Michigan.

>> YVONNE YOUNG: Commissioner Callaghan?

Commissioner Curry?

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Commissioner Eid?

>> CHAIR EID: Good morning Ms. Young. Present attending from Detroit, Michigan.

>> MS. YOUNG: Commissioner Kellom?

>> COMMISSIONER KELLOM: Good morning, remotely attending from Detroit.

Commissioner Lange?

Commissioner Lett?

Can you repeat that?

>> COMMISSIONER LETT: Present from Grand Traverse County Michigan.

Commissioner Muldoon?

>> MARCUS MULDOON: Present; Carrollton, Michigan.

Commissioner Orton?

>> VICE CHAIR ORTON: Present attending remotely from Battle Creek, Michigan.

>> YVONNE YOUNG: Commissioner Szetela?

Commissioner Vallette?

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

Commissioner Wagner?

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

>> YVONNE YOUNG: Commissioner Weiss?

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

>> YVONNE YOUNG: Mr. Chair, you have a quorum with nine Commissioners present.

>> CHAIR EID: Wonderful thank you Ms. Young.

>> YVONNE YOUNG: You are welcome.

>> CHAIR EID: Commissioners, we will now move to adopt the agenda. As a reminder to the public watching you can view the agenda at www.Michigan.gov/MICRC. I will entertain a motion to approve the meeting agenda.

>> COMMISSIONER LETT: So moved.

>> COMMISSIONER WEISS: Second.

>> CHAIR EID: We have a motion by Mr. Lett seconded by Mr. Weiss to adopt today's agenda. Is there any discussion on the motion Commissioners? Seeing none we will move to vote. All those in favor of the motion to approve today's agenda please raise your hand and say aye.

>> Aye.

>> CHAIR EID: Any opposed please raise your hand and say nay.

The ayes have it and the agenda is adopted. Next on the agenda is item number four public comments. If there is no objection we will begin the public comment portion of

today's meeting pertaining to agenda topics. Is there any objections?
hearing none we will proceed.

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

If you are on a computer you will be prompted by the Zoom app to unmute your microphone and speak. If you are on the phone a voice will say the host wants you to speak and prompt you to press star six to unmute.

And please note if you are experiencing technical or audio issues or do not hear from you for three to five seconds we will move to the next person in line and return to you after you are done speaking. If your audio still does not work e-mail redistricting@Michigan.gov and we can help you trouble shoot to participate during the next public comment period at a later meeting.

You will have 90 seconds to address the Commission today. Please conclude your remarks when you hear the timer.

We have two folks who signed up to speak today. The first being Mr. James Gallant.

>> MEGHAN SCHAAR: Mr. Gallant you should be able to unmute yourself now.

>> CHAIR EID: We cannot hear you yet James, you are still muted.

>> MEGHAN SCHAAR: Well why don't we come back to them after the next public participant and see if he is able to get it to work at that time.

>> CHAIR EID: Sounds good to me. James I think your microphone is muted, if you try to unmute it we will come back to you. We will move to the second public commenter, Mr. Anthony-Scannell.

>> Thank you Michigan independent Commissioner, Anthony-Scannell and I'm looking at the agenda and I guess I'm looking at lessons learned, I definitely have lessons learned in mind. And one of them would be probably I think Mr. Gallant would agree with hire a parliamentarian like a dedicated one, a person who is doing that and only that and has that as an expertise. I think for the next Commission that would be highly recommended.

You know, I'd like a lesson learned, I mean maybe you would not agree with it, but I would amend the rules for voting. You know, it says when you have to or when you abstain from voting you have to state a reason and only one of two reasons are given and to me that really makes no sense. You can abstain and just reserve the right for whatever reason. And so I would amend that rule.

Lesson learned, I would agree with the Taylor City councilman who said he would have had a meeting Down River. You know, I guess Wayne County had a lot in Wayne County but none in Down River. So next Commission should do that.

Another lesson that I would learn is that you know, the software vendors that you have operating the map making for you and....

[Music]

>> CHAIR EID: You can finish your thought, Anthony.

>> Thank you so much. The software vendors it would be helpful if the person listening to you and changing the lines on the map, I got the sense that the person wasn't from Michigan. Nothing against them. They did a great job but slowed things down and did not know a dang and if they were from Michigan they were not familiar with Metro Detroit the person changing the lines on the map it would be helpful if they were from here.

>> CHAIR EID: All right, thank you for your comments. We appreciate it. I invite you to e-mail us, you know, exactly what you said and maybe we can see if we can determine if we want to get some of those and do an official report. We will now turn back to Mr. Gallant. .

>> MEGHAN SCHAAR: Mr. Gallant you should be able to unmute yourself.

>> CHAIR EID: Do we know if he is by phone or computer today?

>> MEGAN SCHAAR: I do not know.

>> CHAIR EID: If it is phone I believe it is star six to unmute. If it is with a computer you just have to find the mute button. Give James another moment or so to see if he can get in here.

>> Can you catch me that time?

>> CHAIR EID: Good morning.

>> Had to change devices thanks for waiting James Gallant Marquette suicide coalition. Mr. Scannell is right and need a parliamentarian law, you know, common law thing that Mike Brady said, make a motion and second it first, that is absolutely what you are not doing on purpose. Seems like you are going to that as a default you need a parliamentarian. I see the Secretary of State did not do the roll call as required by the Constitution. As Mr. Woods I think we need to get a determination on the public record for the YouTube chat. Because that he said it's not public record but it's going to be archived and we can't get that back. You can get that back just as the host you can get that back online. Mr. Eid I will ask you again to help me to fix this and help everybody fix this. Because I tell you what is happening right now, you have you denied Juanita and Szetela their what they tried to object when you did unanimous consent and refused and you let Fink facilitate with no objection. You did not vote on it and makes you a dictator. This is why I'm here and suicide prevention, this is going to break your mother's heart if we have to go to the Supreme Court. You are determined to be not in compliance with your oath of office and practice a different form of Government a dictatorship and some countries have it you are right but not this one. You are not. The oath of office says you and Mike Brady said under the Constitution that is the only reason he was there for an explanation to you and instructions and must follow Roberts rules and make the motion second and can't do it otherwise. I think unanimous consent does not apply under the Open Meetings Act and under our Constitution.

>> CHAIR EID: Thank you, Mr. Gallant for your comments. I do very much appreciate them. We will move on to item five on our agenda unfinished business. Next is unfinished business item 5A, draft House and Senate remedial Commission report. If there is no objection, I will ask Executive Director Woods to facilitate this item. Are there any objections, Commissioners? Hearing none Mr. Woods the floor is yours.

>> MR. EDWARD WOODS: Thank you, Commissioner Eid and good morning Commissioners this is just a reminder that the draft House and Senate remedial Commission report is being put together. And that the descending reports are due Sunday December 1st. So that we can provide this Commission report to the Commission and then for the Commission's vote on the 19th. So once again, once again those who are eligible to put in dissenting reports for the House or Senate remedial Commission report it's due Sunday. We will have all the backup documentation in there and properly format it. And this Commission report is really based upon as we all know the remedial phase. So the Commission did an initial report in 2022. This one right here will be doing solely with the remedial phase in terms of how the maps were done. Once again, once again that will be voted on at the Commission meeting on the 19th. But we do need all dissenting reports in by the first. If there is any questions I can take them at this time.

>> CHAIR EID: Are there any questions for Executive Director Woods regarding the Commission's remedial report? Well I do not see any.

Wonderful.

Mr. Woods, do you have anything to say about the dissenting reports?

>> MR. EDWARD WOODS: No, reiterate they are due Sunday December 1st and e-mailed to myself and Megan Schaar with MDOS.

>> CHAIR EID: Wonderful. Those will be distributed to the rest of us, correct?

>> MR. EDWARD WOODS: Sure. As you know there is no changing of the dissenting reports, they go in as is but yes we will share them with everyone.

>> CHAIR EID: Great, I appreciate that.

Okay, next on the agenda is item 5B, State of Michigan archives. Once again if there is no objection I will ask Executive Director Woods to facilitate this item. Are there any objections, Commissioners? Hearing none the floor is once again yours, Executive Director Woods.

>> MR. EDWARD WOODS: Thank you again CHAIR EID. We have a dynamic archive team that's comprised of Commissioners Elaine Andrade, Cynthia Orton and Janice Vallette and just want to share with you what we have been working on. One of the things that we have after the website and everything is actually getting the draft maps and the draft proposed maps that we can use for the archives. And so what we are doing in this particular area is we are working with Election Data Services as well as with Fred with City Gate to see if we can export those draft maps which are PDFs and draft proposed maps, anything associated with the plan attachments so that we can put

those on our website without people having to link to City Gate so they can be archivable then we can use them. We spoke with the library of Michigan, Cynthia Garing who made a presentation at our last meeting, and this process would also work well for them with regards to archiving it. And so that is something we are really trying to get done.

The next thing that we are working on is archive interviews. We still have some outstanding interviews that need to happen. And then after that there will be -- we have to edit the interviews so they can be for use.

So that's where we are right now in the archives project but it's moving along and hopefully we should have substantial progress at our December meeting where everything should be done and should be done that we need to do. The only follow-up would be what took place actually on the meeting on the 19th.

Commissioners Andrade, Orton and Vallette, I don't know if I missed anything, but these are some dynamic ladies who will hold your feet to the fire, so if there is anything that I missed, please at this time, share.

>> VICE CHAIR ORTON: I think you covered it.

>> COMMISSIONER VALLETTE: I'm good and don't think there is anything else.

>> ELAINE ANDRADE: Covered very well. Thank you Edward.

>> MR. EDWARD WOODS: Unless there is any questions, Commissioner Eid, we can move on to the next agenda item.

>> CHAIR EID: Thank you for the information. I look forward to seeing this archivable process complete so that our work can be, you know, standing in history for the State of Michigan.

Next on the agenda is item 5C, contract best practices review. Once again I'll ask Mr. Woods to facilitate this item if there are no objections. Are there any objections, Commissioners? Mr. Woods, the floor is yours.

>> MR. EDWARD WOODS: Thank you best practice review committee is comprised of Commissioners Donna Callaghan, Steve Lett and Marcus Muldoon. This has been a great group to work with. We have been working on we reviewed the contract with Baker Hostetler, consulting and Fink Bressack and they require an RFP process and over \$50,000. We ensured that we received the contract discount as outlined in the contracts for election data service, Federal Compliance Consulting and Fink Bressack and happy to say we got discount from Election Data Services, Federal Compliance Consulting had it on their monthly invoice and that we also will receive a 5% discount for qualified payments for Fink Bressack that is close to \$30,000 coming back to the Commission with regards to that. So just kind of want to share with you the work of this great committee. We identified ways to strengthen the monthly reporting requirements, that will also include the 5% option on all eligible monthly invoices with regards to that to make sure we are getting credit for paying timely invoices.

We are going to recommend contract best practices for the lessons learned report. On this particular lessons learned report, and I will talk about it later, is really focusing on the remedial phase. As you know the Commission did a broader lessons learned report under the previous process. But we want to recommend some contract best practices. There was a lot of good ideas that came from this committee that would be helpful.

One of the things we noticed there was a weekly reporting requirement since the inception of each contract that was accomplished through a monthly invoice. And so there was that monthly meetings and monthly reportings. I mean weekly meetings and weekly reportings and actually done through a monthly invoice that kind of highlighted what was done in these contracts and this is pretty much standard language in all of them. And so I'm going to request a motion to change all the contracts from a weekly reporting to a monthly reporting since the inception of each contract because that was the practice that the Commission was following.

>> COMMISSIONER LETT: So moved.

>> MR. EDWARD WOODS: I need you to make that, okay, good.

>> VICE CHAIR ORTON: Yes.

>> CHAIR EID: We have a motion by Commissioner Lett seconded by Commissioner Orton to change the contracts from a weekly reporting to monthly reporting since the inception of each contract. Is that correct Commissioner Lett?

>> COMMISSIONER LETT: That's correct.

>> CHAIR EID: Is there any discussion on the matter? Seeing none we will move to vote, all those in favor of the motion please raise your hand and say aye.

>> Aye.

>> CHAIR EID: Any opposed please raise your hand and say nay.

The ayes have it and the motion is adopted.

Department of State?

>> MEGAN SCHAAR: I would like to acknowledge for the record that Commissioner Curry has joined, Commissioner Curry can you please tell us where you are joining remotely from.

>> COMMISSIONER CURRY: Good morning I'm joining remotely from Detroit, Michigan.

>> CHAIR EID: Wonderful. Thank you, MDOS and welcome Commissioner Curry.

Okay, Mr. Woods, I hope that motion makes your life a little easier. What else you got?

>> MR. EDWARD WOODS: Thank you. Are there any questions or Commissioner Lett, Commissioner Muldoon, anything that you felt was missed?

>> MARCUS MULDOON: I think you got it.

>> COMMISSIONER LETT: I have nothing to add.

>> CHAIR EID: Wonderful. We are flying through today, people. Look at that. We will now move on to item 6, new business. First item under new business is 6A dormancy legal review. If there is no objection, I will ask local Council, Mr. Fink to facilitate this item. Mr. Fink I do see you here with us today. Thank you for joining. Are there any objections, Commissioners? Hearing none, Mr. Fink the floor is yours.

>> Thank you for inviting and asking me and telling me to provide a dormancy, a review of the dormancy procedure and reactivation procedure that the Commission has adopted as part of its rules of procedure.

As you know the Commission is headed towards dormancy. I believe the plan is to vote to go into dormant status at the end of December with ultimately the Commission business being wrapped up by the end of January. If I can I will share my screen. So that I can just share the PDF of the rules of procedures, relevant rules of procedures Section.

Everybody see that? Are we good?

>> CHAIR EID: We can, we are good.

>> This is the current version of the Redistricting Commission's rules of procedure. And this includes the dormancy Section and the reactivation Section that the Commission adopted a while back in anticipation of this time we are now approaching, which is when the Commission would be ready to go into dormancy. But I wanted to give an overview. And frankly a fairly detailed description of what the policy is for the benefit of the Commission and the public so that everybody understands what the procedure will be going forward.

So in Section 3.3 of the rules of procedure as you can see on your screen right now, this talks about the appointment process of Commissioners and the term. Obviously we are well passed the appointment process at this point. But this procedure, if you look at Section 3.3, sub A, this talks about that the terms of the members of the Commission shall be for the complete census cycle beginning when the appointment is made until the next Commission is appointed for the subsequent cycle. So under the Commission's procedure the terms of the Commissioners of all of these, the current Commissioners will last until the subsequent census cycle. So when the next census is done in 2030. And Commissioner Wagner I see you have your hand raised. I can address your question now if you would like.

>> COMMISSIONER WAGNER: I just wanted to know exactly where you are sharing your screen because I don't see it on my end.

>> Oh, I'm just sharing a PDF. Mr. Chairman are you able to see it?

>> CHAIR EID: Yeah, I see it. It's just a white PDF.

>> Yeah, it's just like right in the middle Section 3.3. The rules of procedure.

>> COMMISSIONER WAGNER: Interesting, I still can't see it. Maybe somebody can provide it in the chat and can look at it while you guys are doing it.

>> Director Woods or someone else could drop the PDF or a link to the Commission website. It's just right from the website.

>> MEGHAN SCHAAR: It's also visible on YouTube so.

>> Okay.

>> MR. EDWARD WOODS: Excuse me Commissioner Wagner the link is in the chat and I will e-mail it to your e-mail address as well.

>> So as I was saying the Commissioner, your terms last the entirety of the census cycle from one census cycle or from appointment to the next census cycle. However, the active status of the Commission is not going to continue until the next census cycle. Rather, the members of the Commission, the members of the Commission shall be in active status when the Commission is in the active process of redistricting. And you were required to and have continued to be an active status if there was litigation pending against the Commission pertaining to any of the redistricting maps drawn or any other litigation brought against the Commission related to its or the Commissioner's official duties. Looking at Section 3.3D at such time that all litigation filed against the Commission or the members is completed and no further action is required of the Commission or its members, the Commission will vote to move to dormant status. If approved the Commission will notify MDOS and the Michigan legislature of the change of status. And as you all know, with all litigation has now concluded against the Commission.

Now Section 3.3.1 is the actual dormancy status process. We can see here Section 3.3.1A upon the Commission assuming dormant status upon the Commission voting to go in dormancy in December the Commission staff will have 30 days to complete the responsibilities or such additional time as may be required as authorized by the Commission. Again my understanding is that the staff and the Commission anticipate being able to conclude that by the end of January and that would be included in the proceedings in December to set what the final date is.

The Commission shall coordinate with MDOS to coordinate the change in status. And if necessary to assist in that change of status.

All computers and phones in the possession of the Commission and staff members shall be returned to MDOS for retention in the litigation hold room. That's in anticipation of future litigation that may be brought against this Commission.

And image shall be taken of each computer data for future litigation, all other records or materials related to the Commission held by members and staff of the Commission shall be turned over to MDOS. And it will be important for Commission members and staff to keep a record of the various user names and passwords that you have been using for your devices.

Extension agreements shall be made with vendors. For example, EDS, your attorneys like us, and Baker Hostetlers and other experts in the event of new litigation being filed against the Commission or its members or staff.

Those extensions shall be made with no additional payment being made or required until such time as new litigation would be pending. And I'm going to pause there for a moment and note that for the benefit again of the Commission and for the public, in decades past there has been mid cycle challenges brought against redistricting bodies and challenging redistricting. For example, in the last cycle, in the 20 teens there was a challenge brought related to Michigan's redistricting in mid cycle, I believe it was filed around 2016. So it is possible, and frankly not uncommon throughout the country for there to be mid cycle redistricting challenges. It's not exclusive. The challenges are not exclusively brought right after the completion of the redistricting process.

And so I wanted to just sort of pause and note that.

But to continue on, upon the Commission going into dormancy status and all final expenses being paid, any remaining Commission funds will be returned pursuant to the state pursuant to the constitutional provision that I think most of us are familiar with.

To be clear during all times that the Commission is in dormant status members of the Commission will not receive any compensation or reimbursement of expenses.

The Commission will designate one or more members of the Commission to act as contact persons for the Commission during the dormancy phase. The Michigan Department of State will designate a person or a position within the department as a contact person for MDOS to correspond with and communicate to the extent necessary the designees the folks who are designated by the Commission as their contact person.

Commission members will keep MDOS apprised of any changes in their personal contact information. That is obviously very important because it's conceivable that we could go, you know, a significant length of time as I noted in the last round there was a challenge in 2016. So hopefully that does not happen here. But if in 2026 a challenge comes we are talking a couple years from now it's important that the contact information is continued to be updated and shared.

So that's the process for dormancy. And ultimately it's very possible that the dormancy phase will take us all the way to the next census cycle, your terms will conclude and you won't have to be brought back together to do any additional redistricting work. However, as I indicated, it is possible that a challenge could be brought mid cycle after you enter into the dormancy phase. And if that were to happen, the Commission has adopted Section 3.3.2 which is the reactivation procedure. So if litigation has been -- is filed against members or staff related to Commission business, the Commission shall return to active status to address the litigation.

When a member of the Commission is notified of litigation he or she shall notify the Michigan Department of State who will notify the other members of the Commission. MDOS upon being notified of litigation shall notify all of the members of the Commission.

Upon litigation being filed against the Commission, the Commission again returns to active status for purposes of the litigation. Commission and staff's devices, computers

and phones will be returned to them for the litigation and if necessary additional mapping work that could come out of that litigation.

And upon return to active status, the Commission members will then be entitled to compensation as provided in the Constitution.

The Michigan Department of State and Secretary of State shall convene a meeting of the Commission members to take such action as shall be required to address the litigation.

Finally, the Commission at that time would request a budget from the legislature that would need to be appropriated in order to allow the Commission to take such other action as required to address the litigation presumably to pay lawyers and other experts and staff to do what is necessary in order to take action to defend against whatever litigation could be brought against the Commission.

And if necessary, beyond that to do any additional mapping work.

So that's the summary of the both the dormancy process and the reactivation process. And, again, hopefully we can go in dormancy and not worry about reactivation after that. But we do have that procedure and process in place if necessary. As I indicated previously, the actual term of each Commissioner expires upon the appointment of the succeeding Redistricting Commission which again would be done after the next census cycle.

VICE CHAIR ORTON? You have your hand up.

>> VICE CHAIR ORTON: Yeah. So let's see, how do I make sense of this question? So if we do have to come out of dormancy, Commissioners are notified apparently somehow. And then we notify the secretary of state's office. And so your firm and Baker Hostetler do we still have you guys? Do we start the process all over again to find lawyers? How does that work?

>> Well, the Commission included this provision here 3.3.1D, which states that the Commission will adopt extension agreements with its vendors, including attorneys. And I will work with the Commission to recommend language that would allow the Commission to continue to use its vendors that it already has. Obviously it's up to the Commission who it wants to use as its consultants and vendors, but I believe the Commission would address that through the extension agreement.

>> VICE CHAIR ORTON: So that is something that would take care of before the December meeting?

>> Well, no, that would be -- I believe it would be part of the December meeting, we would include the proposed extension agreements as part of the agenda for the Commission to consider at that time.

>> VICE CHAIR ORTON: Thank you.

>> And, Director Woods, if I misspoke on that, I believe that was it.

>> MR. EDWARD WOODS: I believe the contracts have already been extended.

>> Okay.

>> MR. EDWARD WOODS: We will verify that and let the Commission know.

>> It's possible there is actually language then that is already in there, that has already been in.

>> MR. EDWARD WOODS: We extended it a while back when we added additional money.

>> If it's addressed.

>> MR. EDWARD WOODS: We will verify it.

>> If there is additional action that needs to be taken we recommend it be done at the December meeting. But beyond that, again, if there is additional, you know, if the Commission has to be reactivated then you would have that in place with your vendors.

So Commissioner Lett?

>> COMMISSIONER LETT: That would certainly be the contemplation that your firm would be back on board. However, clearly you might be dead, your dad might be dead. So it would be to answer Cynthia's question we would have to take a look at the time we come back into existence, out of dormancy, make sure that everything was as we anticipate today that it would be if it's about ten years from now I certainly don't anticipate being here. But I leave it up to you, Cynthia.

>> VICE CHAIR ORTON: Thank you.

>> Commissioner Lett it's only six more years of this Commission so hopefully don't watch too much Michigan State football, and you should be okay.

>> COMMISSIONER LETT: You're not going to have a job the next time.

[Laughter]

>> As you know Baker Hostetler have a few big ones on their team and that is an even bigger issue.

>> COMMISSIONER LETT: We are not even talking to them anymore.

>> Good. I will join you in that.

So I think that covers it. I'm happy to address and answer questions, if you think of anything else in the interim between now and the December meeting, you know, of course feel free to reach out. Happy for answer any questions that anybody might have. Thank you for the opportunity to present.

>> CHAIR EID: Yes and thank you for the information. Reminding everyone what we passed before and the plan going forward. In case we need to reconvene at some point in the future. Certainly appreciate it.

All right, next on the agenda is new business item 6B lessons learned, if there is no objection I will ask Edward Woods III to facilitate this item. Are there any objections, Commissioners? Mr. Woods the floor is once again yours.

>> MR. EDWARD WOODS: Thank you. This idea came from Commissioner Andrade with regards to creating a lessons learned report based on the Michigan House and Senate remedial maps. You know, from the interviews. It would follow a similar but modified outlined from a lessons learned report that we did previously, that includes the

selection of the three new Commissioners that focuses solely on the remedial phase. We would provide a draft to the Commission to review in November. And ask them to provide feedback within two weeks of providing the draft. And then we would approve the report at the December 19th meeting, but we felt there was some lessons that could be learned from the remedial phase. Obviously we took advantage of the lessons learned report. And made some changes and some adjustments in the remedial phase so that just needs to be acknowledged. And shared. But I think that there is a number of things the public can learn as well as other Commissioners, other Commissions who may be forming in other states, could benefit from our trial and error and experiences in doing the remedial phase for redistricting. Commissioner Andrade, is there anything you would like to add?

>> ELAINE ANDRADE: No, I think that covers it. I think we all probably have a different perspective. And on what happened and what lessons we can take from this remedial phase.

>> MR. EDWARD WOODS: All right. Any questions?

>> CHAIR EID: So when do you want these by?

>> MR. EDWARD WOODS: We are going to, well, there are a few Commissioners that we have not heard from, or they might not be willing to do interviews so we would give them an opportunity to fill out the questions from the interview and go from there. But most of you have already did it when you did the interview so it's no need to, you know, do things twice. So for those who may not want to participate in the interviews and might want to provide a written response we would like to give them that opportunity. If they don't want to provide no response at all, that is you know, that is their choice. If you have already done the interviews with Tom Ivacko with the University of Michigan for the Bentley historical library we would gather it from that information.

>> CHAIR EID: Wonderful. Any questions regarding the lessons learned report? I do not see anyone. Thank you, Mr. Woods, and thank you Commissioner Andrade for bringing this up.

All right, next up is item 6C, the September financial report. Once again, this is to be facilitated by Executive Director Woods. Are there any objections, Commissioners? Seeing none go ahead, Mr. Woods.

>> MR. EDWARD WOODS: This is our September financial report as I shared. This is the preliminary report because as you know we are at the end of the fiscal year. And so we are in the process of making sure all of our invoices are in. And I'm happy to report that mostly all are in with a few exceptions that we will take a look at. We were able to include, and Commissioner Lett will speak on that later the settlement agreement is in this particular report, the whole entire 1.7 million is there. That's what other legal services is. I know that number probably jumps out at you. So I wanted to share that with you.

Our cell phone bill usually comes around this time. So we will be adding that as well as the amount for technology that is missing at this time.

There was no consultant line drawing invoice for September. There was no litigation Council or Voting Rights Act legal Counsel bills in September as well. So those blanks are real.

And so you are basically seeing some things and there will be some adjustments as I shared with you based on the credits earlier we were able to do through the contracts best practices review committee. And so this is what you're seeing right now. At this point we have 759,403.75 and that number will change. And you will see a final report in December. But at this time we just have a few things outstanding that we want to get out and receive invoices for and make sure they are properly paid in fiscal year 24 as well as the credits. So we are giving money back. As you know we cannot transfer money back. This Commission has always been fiscal stewards and Hawks as relates to its finances and being responsible for taxpayers' money. That has continued again. To be honest with you our money that we thought we needed for legal fees were not -- were reduced. We thought we needed more money to defend the case. And that just didn't happen as well. And then our attorneys did a great job of a settlement agreement. So the settlement agreement was not as high as we expected as well. So as a result if we don't spend the money, we return it back as outlined in the Constitution. And this is something that will happen sometime in December when the books are closed. We have everything we have to get in and are trying to have in by the end of October. So like I said just a couple things outstanding, but for the most part this is where we are. If there is any questions, Commissioner Eid, I can take them at this time.

>> CHAIR EID: Any questions for Executive Director Woods? Do we have an estimate on how much we will probably be giving back to the State of Michigan once we are completed in a couple months? Of all the hard work.

>> MR. EDWARD WOODS: That is from the fiscal year 25 budget. I have not done an estimate as of yet with regards to how much we are getting back. We may be giving back for fiscal year 25 because of my focus has been on fiscal year 24 and making sure everything is in.

>> CHAIR EID: Got you. All right.

>> MR. EDWARD WOODS: We will be giving money back fiscal year 25 and it will be a substantial amount of money.

>> CHAIR EID: I would hope so.

All right, well and I want to just thank you, Mr. Woods, for, you know, being a good Stewart of these public funds and keeping track of all this. I know it's not an easy job.

All right, next on the agenda is item 6D regarding the Commissioner meeting on Thursday, November 21st. If there is no objection I will ask Executive Director Woods to facilitate this item. Is there any objection, Commissioners?

>> MR. EDWARD WOODS: This is just make a motion, we have an outline in our rules and procedures on how to cancel meetings. It's always best if we can do it as a Commission as a whole. But we also have another process. There was some discussion about this at the last meeting. I shared that we needed this meeting to tightening things up to prepare for the 19th of December but there is no reason at this time for the Commission to meet on Thursday, November 21st, so I'm recommending that we cancel the meeting. If that is the Commission's desire.

>> COMMISSIONER LETT: I would move we cancel the November meeting.

>> COMMISSIONER WEISS: Second that.

>> CHAIR EID: All right we have a motion by Commissioner Lett, seconded by Commissioner Weiss to cancel the Thursday, 21st, 2024 meeting. Is there any discussion on the matter? Commissioner Orton?

>> VICE CHAIR ORTON: Yeah, just a question. I can't remember exactly because I know we've changed it, but if something came up and we have to have a meeting, how many hours or days do we need to post it beforehand?

>> MR. EDWARD WOODS: Hold on.
let me go to our rules and procedures.

>> MEGHAN SCHAAR: If the Commissioner were to require a special meeting it requires five hours, that is Section 6.2.4.

>> VICE CHAIR ORTON: If we needed to call a meeting it would be a special meeting, considered a special meeting?

>> MR. EDWARD WOODS: Correct.

>> VICE CHAIR ORTON: Okay thank you.

>> MR. EDWARD WOODS: Thank you, Ms. Schaar. You are quicker than I am.
Does everybody see it on the screen? Okay, great.

>> CHAIR EID: Is the rationale for this we don't have anything pressing to discuss in November? Because that would make it so that the December 12th meeting or I'm sorry the December, yeah, the December 12th meeting.

>> MR. EDWARD WOODS: 19.

>> CHAIR EID: Thank you the December 19th meeting would be our last one and the next time we meet?

>> MR. EDWARD WOODS: That would be correct. And I'm saying that at this time. But as Commissioner Orton noted if there is something that arises where we need to call a special meeting, we have a process by giving a five-hour notice.

>> CHAIR EID: Okay, any other discussion? Seeing none we will go to vote. All those in favor please raise your hand and say aye.

>> Aye.

>> CHAIR EID: Any opposed please raise your hand and say nay. I'm going to say nay because I like seeing y'all. All right. The ayes have it and the motion is adopted. That means for now unless there is a special meeting called, the next meeting will be

December 19th, 2024, and that will be in person in Lansing. Of course there is a virtual option as well.

All right, we will now move on to agenda item 7, approval of the minutes. The minutes for the September 19th, 2024, meeting has been sent to the Commission. And that is what is on the table right now. Are there any edits to the minutes, Commissioners? If there are none I will entertain a motion to adopt the minutes.

>> COMMISSIONER LETT: So moved.

>> COMMISSIONER WEISS: Second.

>> CHAIR EID: All right, I see a motion by Commissioner Lett and I think I saw it seconded first by Commissioner Curry. All those in favor please raise your hand and say aye.

>> Aye.

>> CHAIR EID: Any opposed please raise your hand and say nay.

The ayes have it and the minutes are adopted.

Next on the agenda is item 8, Executive Director's report. Mr. Woods, is there an Executive Director's report today?

>> MR. EDWARD WOODS: Yes.

>> CHAIR EID: Please proceed.

>> MR. EDWARD WOODS: Thank you. Just want to remind the Commissioners to continue with your computer updates. As you know I shared with DTMB I work for you. Not the other way around. But they really appreciate the cooperation when the computers are updated. So please continue to keep your computers updated. Make sure you sign in to the VPN. And so that we are on the network and that's just something that is important. If we can do that through December, it would be just very helpful. So just want to encourage you to check, if you can just do a check, you know, once a month or so. DTMB is very responsive if you want to call the help desk, some of you shared success with regards to that or if you have problems with your cell phones. But just want to make sure we are good stewards so when we turn in our equipment we are aligned.

Commissioner Orton?

>> VICE CHAIR ORTON: Yes. So we keep hearing it's very important to keep our computers up to date. So when we go into dormancy and those are in the litigation hold, they are just going to sit there, right? They will not be kept up to date. Then if we do have to come back, and we get our computers back what is going to happen? It's not going to work, right?

>> MR. EDWARD WOODS: Well, I think when it's in litigation hold they have a process that they use to take care of that. But and it will be under their jurisdiction because they will have the computer. So it's just while we have them, make sure we are good stewards.

>> VICE CHAIR ORTON: Okay.

>> MR. EDWARD WOODS: Thank you for that question. Fiscal year 24 closing, once again it's just getting all the invoices in. Making sure the receipts line up. And that we are good Stewart of the taxpayers' money. We are already done and have a few more things and have a final report for fiscal year 24. At the December meeting also working with dormancy issues. As you know we are not able to carry money forward. So any money that we have in fiscal year 25 we want to expend. And so Commissioner Orton brought up litigation holds. We need to say what are our cell phone bill, what are our computer bills for fiscal year 25 and just pay that out. So that that money is done in terms of anything we can pay. Obviously we cannot carry over money so we will be working with MDOS, DTMB on those issues to make sure that we can prepay all of our bills that will occur in fiscal year 25 to make sure that that's done and taken care of by the time I leave on January 31st.

So that's something we are working on.

Remedial maps, we have the State Senate and the State House maps that have gone to the printer. I will need to follow-up on the county maps as a result of the map changes that have taken place and have been approved by the Court. And so you will be getting copies of those as well. Just like you did in the previous phase. Commissioner data, in each of our contracts they are responsible. These are the contracts, 50,000 and over of providing the data to the Commission at no cost, at no cost.

I've been working with Nate Fink our General Counsel is working with our attorneys, Federal Compliance Consulting, who worked with us and Baker Hostetler to make sure we get the legal documents and all that will be with the General Counsel office and the Finks are doing the same as relates to them. Once again it's no cost for the Commission to get the data so we can have it. Then we will work with the contracts best practice review with regards to getting that same information from Election Data Services. An e-mail has been sent citing the contract spot and what that entails as it is outlined in the contract. So that we can have all of that information, and we should have a report for you on Thursday, December 19th as to where we are.

But once again in moving to dormancy status there is a process of we have to recreate the maps with regards to that and what they will give them, how they will put something on the state computer, all of that is outlined in the contract. And once again as relates to the Commission data, the contract clearly states that there is no cost to the Commission in those provisions. Just wanted to do a friendly reminder and thanks to YVONNE YOUNG that our Commission meeting is hybrid December 19th at the library of Michigan also known as the historical museum. Right there on Kalamazoo in Lansing. Requesting that you bring your state's cell phone, computer and all your files. Once again I just want to remind you to do that. If you can organize the files on your computer so it's clear, that would be helpful and your paper files. If you can bring those. And the MDOS will collect it at that meeting where you will turn all of that in. And we will

return our equipment. So just wanted to make sure my equipment will be turned in on my last day, which is the 31st of January. Just so we are all clear with regards to equipment and things being turned back in.

Going to our website highlights for September, we had 18,000 Page views. This was actually down a third. We had 27,000 Page views in August. 34.4% were new residents and mainly looking at the final and District maps and looking at District maps by county then they were looking at map images which are pictures. We have that on the website because people can blow up the map images and use them for various things. We will be putting that on for the remedial phase as well.

The states we are looking at us the most obviously Michigan, followed by Virginia, Florida, Illinois and Ohio. In August the leading states were Michigan, Virginia, Florida, California and Illinois.

Commissioner Eid, that concludes my report. If there is any questions, I can take them at this time.

>> CHAIR EID: Thank you, Mr. Woods. Are there any questions? All right well thank you so much for the information. We will now move on to the legal liaison report. If there are no objections, I will ask the legal liaison, Commissioner Lett, to provide his report. Are there any objections?

>> COMMISSIONER LETT: Give somebody a hundred dollars if they would object so I don't have to do it. I have a suggestion. I have a suggestion. Based on Cynthia's observation of who is going to keep the computers current when we are in the dormancy, I think we should hire her, pay her a stipend per monthly basis to go in and update all of the computers. And I can make a motion to that if she would agree.

>> VICE CHAIR ORTON: This Commissioner cannot afford to pay me enough to do that.

>> COMMISSIONER LETT: I think we can find minimum wage.

Legal report. I think we have got most of the things wrapped up that need to be wrapped up. We are still working on some issues with EDS. We had a number of issues that we have resolved. Basically relating to what I would classify as lacks bookkeeping on their report as well as some misunderstandings about what could be included in the billing and we are working down to the last couple of those. One with are they going to charge us for correcting their billing? The answer to that is, no. I mean they may charge us. We are not going to pay it. The other is what our expectations are and what their expectations are in providing the records that they have. They certainly will probably, I would expect them to keep copies of their records of us and but we will require that per the contract that they provide us with those records, at least duplicates of them.

The other thing that we need to go back to and Edward correct me, you may have already said this earlier, they were billing and we were paying as we have for everybody transportation from their place of business or home in certain instances, to Michigan

that they came up here in person. So you had EDS quite a few times. Obviously Baker Hostetler and those were simply billed and paid. We've had some issues with EDS on how much that they were allowed to bill. But we worked through those.

So I think the motion that I will make at this time would cover Baker Hostetler and EDS, that we would pay their transportation cost retroactive to the signing of the respective contracts. So that is not included in their contracts.

In fact, in their contracts it says the transportation costs will not be paid. But that was never the case. So that our practice with everybody has been to do that. So the motion is to pay for transportation, travel costs for EDS and Baker Hostetler from the inception of the contracts and if there is a second I can speak to it further.

>> COMMISSIONER WEISS: I will second it.

>> COMMISSIONER LETT: Anybody have questions why we are doing this?

>> CHAIR EID: I have a question how much it is.

>> MR. EDWARD WOODS: It's included as a part of the contract. So it's not an additional thing, Anthony. It's more for compliance. So it's already included in what's actually been paid.

>> COMMISSIONER LETT: It's been reported on our financial statements on a monthly basis. It's nothing -- we are not going to approve this and go back and pay, you know, \$50,000 for travel expense. It's already been paid.

>> CHAIR EID: It's already been paid.

>> MR. EDWARD WOODS: It's already been paid, it's just making sure we are in compliance.

>> CHAIR EID: Wonderful.

>> COMMISSIONER LETT: It's something that everybody assumed we were doing and supposed to do, and somebody brought up that you're not supposed to pay those. Wait a minute. Everybody pays those. What are you talking about? So that is where you are at.

>> CHAIR EID: Got you. I was confused and I thought it had not been paid but it has been paid so changing the contract language to be in compliance with that payment. Got it.

>> COMMISSIONER LETT: That's correct.

>> MR. EDWARD WOODS: And it's similar Commissioner Eid with regards to the weekly reporting requirement that was in the contract that we have been doing monthly.

>> COMMISSIONER LETT: The exception I did not include Fink Bressack in it because they made a snide report for Michigan State and Michigan. So.

>> MR. EDWARD WOODS: There's actually in the contract. They are covered otherwise we would have included them too.

>> CHAIR EID: All right we have a motion.

>> Retroactively deduct all of Commissioner Lett's pay back to the initiation of the Commission.

>> COMMISSIONER LETT: I think there is but it's going to be included in that you guys would pay it at twice the rate that I'm being paid now.

>> I can't afford that. Withdrawn.

>> CHAIR EID: We do have a motion and a second to be in compliance with the contractual language and have the payments for transportation be in there for EDS and the legal team; is that correct, Mr. Lett?

>> COMMISSIONER LETT: Yeah. Yes. With the caveat since the inception of their contracts.

>> CHAIR EID: Got you. That was made by Commissioner Lett, seconded by Commissioner Weiss. Is there any more discussion before we vote? Seeing none we will move to vote. All those in favor please raise your hand and say aye.

>> Aye.

>> CHAIR EID: Any opposed please raise your hand and say nay. The ayes have it and the motion is adopted.

>> MR. EDWARD WOODS: Yes.

>> CHAIR EID: Go ahead.

>> MR. EDWARD WOODS: I want to thank Commissioner Lett for bringing that up. The contract best practice review and Commissioner Lett is on there as the legal liaison to make sure the Is are dotted and the Ts are crossed. We are not trying to point fingers but trying to make sure the work of the Commission and practices of the Commission are well documented and can see that. Commissioner Lett is correct with regards to Election Data Services has been resolved with regards to that. I know Commissioner Andrade, you mentioned recourses for the Commission to ensure compliance, if we have any issues or concerns. I just want you to know in each of the contracts there is an audit provision. So if the Commission ever wanted to do an audit on any of the contracts to look at expenditures and reporting requirements and what is done the provision is included in the contracts, \$50,000 and over. So I don't know if that answered the question, but I just wanted to make sure you knew that was available Commissioner Andrade. Does that address it? Thumbs up. All right. Thank you.

>> COMMISSIONER LETT: I don't believe that I have anything else. Edward, is there something I missed that you think I need to bring up?

>> MR. EDWARD WOODS: Nope, everything is covered thank you.

>> COMMISSIONER LETT: That will conclude my report. I thank everybody for their kind attention.

>> CHAIR EID: Thank you, Mr. Lett, for the report.

All right. Next on the agenda is MDOS updates, any updates for us today.

>> MEGHAN SCHAAR: Election season is in full swing and now is the plan or the time to plan for how you want to vote. You can vote early by mail or on election day, whatever is the most convenient for you, absentee ballots can be requested Michigan.gov/vote via mail or in person at your local clerk's office. There are multiple

ways to return those absentee ballots as well. Such as using the prepaid ballot envelope. Bringing it back to your clerk's office. Or dropping it in an absentee drop box in your City or Township. Or taking it to your early voting or polling site. Early voting will begin statewide on October 26, 2024. However, some jurisdictions like Detroit, which I know some of you Commissioners are in, may choose to start sooner. So I think Detroit's early voting actually starts soon. If you don't have a plan in place, Commissioners and public, all of you can find additional info at Michigan.gov/vote. It's been a pleasure. So any questions for me?

>> CHAIR EID: Commissioner Lett?

>> COMMISSIONER LETT: Yes. I'm wondering why the Michigan Department of State is now gone incognito is that because of threats on voting you are scared of?

>> MEGAN SCHAAR: It's not it's because the gray hairs the election is bringing out at the top of my head. That no one in the public or myself need to watch on this video.

>> COMMISSIONER LETT: And the other question is where is your legal counsel? He is usually here.

>> MEGHAN SCHAAR: Our chief legal director, I am not certain what he is up to today.

There is no shortage of work for the department right now. So I am sure he is assisting the secretary in a very important matter.

>> COMMISSIONER LETT: Well, I think we should acknowledge that the Michigan Department of State through their representatives even though they are seem to be incognito or out of the picture today deserve a round of applause for the excellent work that they have done keeping us out of trouble for the most part.

>> MEGHAN SCHAAR: Thank you, guys.

It's been a pleasure getting to work with you this year. I look forward to seeing all of those that come in person in December. I will be there, and you can see just how gray I become by that point.

>> COMMISSIONER LETT: I have another question. I got an e-mail directed to me from Ms. Reinhardt, saying that I could go sign up to be a poll worker. And I didn't think that the Commissioners could do that. That, you know, that would be something that close to running for office. So and maybe you can ask Ms. Reinhardt how that happened and, you know, report back to us in December.

>> MEGHAN SCHAAR: I can look into that. I'm not sure what e-mail you received. But other individuals outside of Commissioners that are looking to sign up to be a poll worker can look at our democracy MVP information. Again you can find all of that at Michigan.gov/vote.

>> CHAIR EID: I tell you Ms. Schaar as someone whose beard is starting to gray up a little bit I have a little empathy with what you just said. So know the feeling. And one more thing, need to figure how to get I voted for werewolf stickers because they are fire and give them to everyone who voted.

>> MEGHAN SCHAAR: The sticker contest was a big hit this year. I hope it's something the department continues going forward. It's gotten people excited to get out and vote. And I'll see what I can do to maybe get some stickers for the Commissioners at our last meeting.

>> CHAIR EID: Only if you vote though. Everyone please get out and vote.

All right, correspondence. If any was available and received in advance of today's meeting along with written public comments to the Commission. Are there any future agenda items that the Commissioners would like to have added to our next meeting? All right are there any announcements? I'd just like to acknowledge everybody that helps make these meetings happen. Department of State, the AV team, all of the interpreters, whether it be language or closed captioning, and everyone that makes this happen, we appreciate you and it's not an easy job. And having this you know transparent process that is live streamed across the state does take a little bit of work. So I appreciate you. It's been a ride. But happy we got to the end.

Also like to say I was a little taken back by comments made earlier this week regarding the aptitude of Commissioners. I would just like to say I think all of you are extremely qualified. All of you have brought your skills to the table to get the job done and we did get the job done. Under much pressure and that is something I'm proud of. I'm proud of all of you. Keep it up. Don't let anyone say otherwise.

>> MR. EDWARD WOODS: Just to reiterate when those questions come up and we shared it repeatedly with the media here that each Commissioner per the Constitution met the requirement. There's not one Commissioner that did not meet the requirement to serve. This was a new process. It was not a preexisting process. And so I share your sentiment about that. Because it's a misnomer and a false narrative. The requirements to serve as Commissioners are clearly outlined in the Constitution. It was always designed to be a citizen-led process and not a politician-led process. And each Commissioner met the qualifications to serve and did a tremendous job per as outlined in the Constitution. There was no need for professionals because that's not what the Constitution required. And we always should revert back to the Constitution when I find the qualifications for the Commission because we want other citizens to apply. And as you mention, not be caught up in the false narrative about experience and expertise because experience and expertise that is needed is clearly identified in the Constitution. Just want to reiterate that for the public for who is considering to apply for the Commission next time. It's clear in the Constitution and that is the only standard that matters. Thank you.

>> CHAIR EID: Wonderful. Hear, hear. All right, it's time for adjournment as the items on the agenda are completed the Commission has no further business today and a motion to adjourn is in order. May I have a motion?

>> VICE CHAIR ORTON: So moved.

>> COMMISSIONER WEISS: Second.

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>> CHAIR EID: We have a motion and a second to adjourn. If you are in favor please raise your hand and say aye.

>> Aye.

>> CHAIR EID: Any opposed please raise your hand and say nay.

The ayes have it. We are adjourned at 11:25. See you all in December.