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## MICRC

05/18/23 10:00am Meeting

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>> COMMISSIONER EID: Good morning, everyone.

>> Good morning.

>> COMMISSIONER CURRY: Good morning.

>> COMMISSIONER CURRY: Steve everybody is gone but us two?

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

>> CHAIR CLARK: Thank you. Good morning. As Chair of the Commission, I call the meeting of the Michigan Independent Citizens Redistricting Commission to order at 10:02 a.m.

This Zoom webinar is being live streamed on YouTube at 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. Excuse me at redistricting MI.

Our live stream today includes closed captioning. Closed captioning, ASL interpretation, and Spanish and Arabic and Bengali translation services will be provided for effective participation in this meeting. Please E-mail us at [Redistricting@michigan.gov](mailto:Redistricting@michigan.gov) or for additional viewing options or for additional details for accessing language translation services for this meeting.

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

This meeting is also being recorded and will be available at [www.Michigan.gov/MICRC](http://www.Michigan.gov/MICRC) for viewing at a later date.

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

There is also a public comment portal that may be accessed by visiting [Michigan.gov/MICRC](http://Michigan.gov/MICRC). This portal can be utilized to post maps and comments which can be viewed by both the Commission and the public.

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

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when I call your name. And state where you are attending from and I will call on Commissioners in alphabetical order starting with Doug Clark.

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

>> MS. SARAH REINHARDT: Juanita Curry.

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

>> MS. SARAH REINHARDT: Anthony Eid.

>> COMMISSIONER EID: Present, Good morning, everyone. Virtually attending today from Detroit, Michigan.

>> MS. SARAH REINHARDT: Brittini Kellom.

Rhonda Lange?

Steve Lett?

>> COMMISSIONER LETT: Present; attending from Grand Traverse county Michigan and Mr. Chairman to let you know if we run over and not done by 12:15 I will have to leave at that time.

>> MS. SARAH REINHARDT: Cynthia Orton?

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

>> MS. SARAH REINHARDT: MC Rothhorn?

>> CHAIR ROTHORN: Present. 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?

Richard Weiss?

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

>> MS. SARAH REINHARDT: Dustin Witjes?

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

>> MS. SARAH REINHARDT: Thank you. 10 Commissioners are present and there is a quorum.

>> CHAIR CLARK: Excellent. Thank you, Ms. Reinhardt.

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

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

>> COMMISSIONER ROTHORN: So moved.

>> COMMISSIONER CURRY: Second.

>> CHAIR CLARK: I have a motion by Commissioner Rothhorn and a second by Commissioner Lett. Is there any discussion or debate on the motion?

>> MS. SARAH REINHARDT: I believe the second was Commissioner Curry.

>> CHAIR CLARK: I'm sorry I stand corrected. The motion was seconded by Commissioner Curry. Is there any discussion or debate on the motion? Hearing none it is moved and seconded that the agenda be adopted, all in favor raise your hand and say aye.

Aye. All opposed raise your hand and say nay.

The ayes prevail, the motion is adopted. And the nays -- and there is no nays at all on this motion. Let's move on to public comments.

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

Individuals who have signed up and indicated that they would like to provide live remote public commentary to the Commission will now be allowed I will call on your name and the staff will unmute you. If you are on a computer, you will be prompted by the zoom app to unmute your mic and speak. If you are on the phone, a voice will say that the host would like you to speak and prompt you to press star six to unmute.

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

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

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

Currently we have one individual signed up for public comments today and that is James Galant. Please allow us a minute for our staff to unmute you Mr. Gallant.

>> Hello, can you hear me?

>> CHAIR CLARK: Yes, I can.

>> All right. James Galant, Marquette County Suicide Prevention Coalition. These are my opinions. I submitted a written e-mail a few minutes ago, so explains this. But please formally contact the auditor general and formally request he finish his procedural audit that you requested to identify the rules of procedure and whether or not you follow those rules of procedure, including an expense report Number 6133.2 litigation counsel where you have spent money on clearly partisan attorneys in direct contradiction to the Constitution. You can see the transcripts. Commissioner Lett testified to that.

Also, I'm working with the Michigan Judicial Counsel and the Supreme Court to recommend that the court issue an order establishing reports rules of order as the

fundamental principles of parliamentary procedure in Michigan and create formal trainings for our constitutional democracy in the field.

And also I submitted some anomalies to the justices including the applications of Commissioners Lett, Szetela and Kellom who appeared to be incomplete because the part about the partisan and affiliation, it says choose not to answer, which means that it's effectively incomplete. And it should be tossed out and it should be -- you folks should be replaced.

Also I submitted, let me see, oh, yeah, in my opinion, Commissioner Witjes may be a -- considered a hostile foreign actor who has violated his oath of office by personally instilling components of his deliberative democracy, which is approved in the Netherlands. And it's created in the 1960s and he has infiltrated our constitutional democracy on the record. And now you are doing this to deliver the democracy and start with deliberation and the motion doesn't come until after you negotiate the motion. And in America consensus is considered not less than 60% vote according to the national quality forum, which is the national consensus building organization for the Federal Government including the Department of State. So please schedule...

>> CHAIR CLARK: Your allotted time has ended, Mr. Gallant. We thank you for your comments.

That concludes our public comment. However, I would like to mention that all e-mailed and mailed public comments are provided to the Commission before each meeting. Commissioners also regularly review the public comment portal on our [www.Michigan.gov/MICRC](http://www.Michigan.gov/MICRC) website.

We appreciate everyone who offers public comment in whatever way you choose and invite you to keep sharing your thoughts especially if you would like to share ways the

Commission may be improved. Next on the agenda is unfinished business agenda A C-SPAN award winners from Skyline High School. I would ask the Executive Director Edward words III to present this item. Hearing no objection please proceed Mr. Woods.

>> MR. EDWARD WOODS: Thank you so much Commissioner Clark. Good morning, Commissioners. How are you? It is exciting to be here today. We have some award winners right here in Michigan. In Michigan. Who did a video on Michigan's redistricting process for the annual student documentary commendation for C-SPAN student cam. I'm so excited. You see the lovely ladies in the background Ava and Amelia and happy to have them both here and we will show the video and after we show the video they will tell you a little bit about the project and how C-SPAN came to Ann Arbor Skyline High School to award them with their recognition so they will tell you what they received but we are so excited to have these two gifted and talented students with us today. So without further ado I'm going to share my screen so you can see their award winning broadcasts.

We redrew voter Districts to make sure he would win the election.

>> Someone next to him said that is a salamander.

>> Since the 1800s many politicians followed suit and strategically benefitted them in elections.

>> Since 2019 we made sure elections are fair and balanced. Through the years minorities have been systemically impacted by gerrymandering and Michigan is leading the way in helping to change that.

>> The census take the population in the United States and demographic and geographical changes as well the ten year Congressional redistricting will start. The new districts will be in place for the 2022 mid-year elections.

>> So every ten years the legislatures and the states have to reapportion the number of people in each election District. And gerrymandering is when the legislature itself draws those lines. And they are trying to make the District so they come out with as many districts as possible where they have an election advantage.

>> Gerrymandering is a way of manipulating the boundaries whether they are state, Senate, State House or Congressional boundaries to benefit a particular person or party.

>> So the whole reason, the whole idea behind gerrymandering is to make each vote count differently. So there is a disconnect between what voters want and what they are voting for and who they are actually electing. It's all the voters in the other party who are not getting representation no matter how much they vote or turn out or making their voices heard they don't get representation at all.

>> For sure we have a lopsided legislative body and that's because of gerrymandering.

>> In 2018, 61% voters said do you know what? We want ordinary citizens, not politicians, to draw fair maps with public engagement. And as a result of that the Michigan Independent Citizens Redistricting Commission was formed. In Michigan we have seven ranked redistricting criteria that we are required to follow. And that seven ranked redistricting criteria includes the following: Equal population and the Voting Rights Act. It has to be geographically contiguous. Reflects the state's diversity and communities of interest. That is number three. Number four, no disproportionate advantage to any political party. Number five no favor or disfavor to any incumbent elected official or a candidate. Number six reflect consideration of county, City and Township boundaries and number seven be reasonably compact. You got to really campaign and have a platform that attracts the diversity of people that are in your respective District. And that is why you are seeing more competitive races because the districts aren't being gerrymandered any more. And that is something that you want to make sure that you have in a thriving democracy is to ensure voices are heard, not partisanship. But voices. Citizens' voices are heard regardless of the party they may belong to or not belong to at all.

>> So I think Michigan is a huge success story. A lot of people are looking at it to see, you know, what kinds of things can be done in other states so Michigan is a model for other states right now because of what voters have done to end gerrymandering.

>> And as you may have noticed here in Michigan it's being talked about as a model possibly for the nation to follow.

>> That is super exciting.

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

>> MR. EDWARD WOODS: How about now.

>> CHAIR CLARK: Yes.

>> MR. EDWARD WOODS: Commissioners without further ado please give a warm welcome to Ava and Amelia. Hello ladies, it's great to see you, the floor is yours.

>> Thanks for having us.

>> We are very excited to be here.

>> Yes, so that was our video that you just saw so basically, we kind of tackled the issue of gerrymandering for our documentary. So we basically as you saw we interviewed people who were at the polls voting and we wanted to really get an idea of the steps that Michigan is taking to kind of combat gerrymandering and make more fair and equal voter districts.

>> Yep.

>> So, yeah, and then we were fortunate enough to have a representative from C-SPAN last week actually come to our school and present us with the award. And Mr. Woods also attended, which was really, really awesome. So we were super, super excited about that. And we are very excited to be here talking to you all. So and if you have any questions for us, please feel free to ask them.

>> CHAIR CLARK: This is Commissioner Clark Amelia and Ava I think this is outstanding work.

>> Thank you so much.

>> CHAIR CLARK: I think we couldn't be happier as a Commission. And hopefully the two of you will be on the next Commission, which is in 2030.

>> That would be really cool.

>> CHAIR CLARK: Looking forward to that.

>> We would love to.

>> CHAIR CLARK: Well we hope you are. So Commissioner Rothhorn I believe you had a comment.

>> COMMISSIONER ROTHORN: I was just curious did like were there other topics like your classmates chose? Or did you have to arm wrestle people to get this topic?

>> So most people chose more talked about topics which are still very important like maybe gun rights or.

>> Climate change.

>> Stuff like that.



>> Yeah.

>> And we decided to do something that is a little bit less talked about and less kind of in the minds of most people. And that is why we picked gerrymandering. And nobody did our topic. So, yeah.

>> COMMISSIONER ROTHORN: How do you think it was received? Do your classmates, does it feel like it's more talked about now because of this? I'm just talked about.

>> Yeah, I definitely think our video had an impact on our school community. I think people are kind to, you know, it's in there and it has been moved from the back of the mind to the front of the mind so people are talking about it more. And when we received our award last week one of the things that the representative from C-SPAN mentioned that she liked about our video is that it was not one of those hot topic issues. But it's still something that is very, very important and it impacts every basically every other issue because it impacts the way we vote. So, yeah.

>> COMMISSIONER ROTHORN: Thank you.

>> Uh-huh.

>> CHAIR CLARK: Any other comments?

>> MR. EDWARD WOODS: I just want to echo what Amelia said about C-SPAN Rachel Kast is the leader and flew in as part of that and she gave them accommodations for the uniqueness of their topic so I just want to echo what Amelia said. In addition to their parents who are also present I want to give a shout out to the teachers, the co-leads for the communications media and public policy magnet program at Ann-Arbor high school and they were wonderful mentors and cheered them on and in the lab all hours. They could not kick them out because they wanted to make sure they got it right. So it really speaks to the diligence and the future and why it's so bright as a result of Ava and Amelia's work. I know who is who. Ava, can you raise your hand because it's opposite. And Amelia so you know who you are talking to but want to commend once again these outstanding ladies, their parents and teachers for a job well done.

>> Thank you so much.

>> VICE CHAIR ORTON: Great job.

>> CHAIR CLARK: We want to say again we really appreciate what you have done and think it's outstanding work. You are welcome to stay with us for the rest of the meeting if you would like.

>> Thank you.

>> CHAIR CLARK: Do you have anything else, Edward?

>> MR. EDWARD WOODS: No just wanted to say thanks again and pass our regards to your parents and teachers.

>> We will thank you so much.

>> CHAIR CLARK: Thank you for joining us.

>> Thank you.

>> COMMISSIONER ROTHORN: I guess.

>> CHAIR CLARK: Go ahead Commissioner Rothorn.

>> CHAIR ROTHORN: Because we will talk about archives later, I'm curious would this be archived when we do get to the topic is this proprietary by Ava and Amelia can it or will it be archived? Do we know.

>> MR. EDWARD WOODS: The answer is yes.

>> CHAIR CLARK: And actually archiving is our next topic on the agenda.

>> COMMISSIONER ROTHORN: What a segue, cool, thank you.

>> CHAIR CLARK: Next on the agenda is unfinished business is archiving the Commissioners' work. Without objection MICRC Executive Director Edward Woods III and I will present this idea. We are hearing no objection, I'll proceed. While we brought up the topic last meeting on archiving, and Edward and I initiated a meeting with Megan Grossman and Tom Ivanko, Matt from MSU and Tom from the University of Michigan. And it was an item that they had brought to our attention. Facilities were available to archive our work. So we thought that we could get a lot of detailed information from them. And they basically referred us to two individuals. One at the University of Michigan. The Bentley archiving center. And another individual at Michigan State University. Which is called the matrix organization. And we also had a discussion with Wayne state University, which is the Walter archival at that University and got further details. So I believe we got some slides based on our conversations with Bentley and Ruther and the matrix organizations. So if you could move forward with that, Edward, I would appreciate it.

>> MR. EDWARD WOODS: All right. Commissioner Clark, I'm going to give just a little bit of a background and then we will get right to that. Hold on. Let me put it on the screen. I know we had some questions as to what our archives and it's the departmental organization that collects, preserves and shares records of enduring value. The reason why you want to archive or the purpose for archiving is to preserve valuable documentary evidence, help the past come alive and help uncover hidden stories. The State of Michigan archives is the place where we keep our records. It's posted at the Michigan historical society which is at the Michigan library. Currently as we've already stated in the past, is archived the Commission report, the lessons learned report and the Congressional State Senate and State House maps. You can actually go to the Michigan library today and ask and look at those reports because they are currently archived in the State of Michigan.

Commissioner Clark, here are the other potential archive sites that you requested. Go ahead, please.

>> CHAIR CLARK: Okay.

Yeah, we had conversations with those three universities that I mentioned. And basically got -- let me go through them one by one. Michigan State University, what we



found in discussing with them is that we needed a grant to cover the cost. Now, we don't get the grant. They get the grant. And that will fully fund the archival project.

They need to get approval at the University. And it will take one to three years for the project to be completed.

We then went and talked to Wayne state University. No funds and no grant is required. They will fully fund it. And so, again, if there is no cost to us. They indicated that it may take up to five years to complete the project. And they currently have a resource limitation. And they have to bring on more human resources to complete the project. So let's go to the next slide. And the University of Michigan, which is the Bentley archive, can start immediately. Again, they would fully fund it. There is no money coming out of our pockets or our budget. They think that including world interviews with each of the Commissioners will be extremely beneficial to the archival process. Their point of view is they think they will get more information than they can get -- additional information they can get from all the tapes we've had and so forth. And get of a human aspect and something that will greatly benefit any researchers that would research the data. And, again, no funds are required from the University of Michigan to accomplish this.

Let's go to the next slide.

So given -- and let me mention one other thing about the University of Michigan. Voters Not Politicians are archiving their work at the University of Michigan. And Tom Ivanko has indicated that he would like to move his work and his research that he has done on the redistricting process into the University of Michigan Bentley archives as well.

Which is just a tremendous benefit.

There -- you want to move forward with the lessons learned Edward?

>> MR. EDWARD WOODS: Sure. Commissioner Clark and I really got a chance to understand the indexing process to make it available for public use. With regards to the archives, the way we would take a look at it if you look at meeting materials and notifications our records are usually associated with in chronological order by the meetings. And so they thought that would be a good place to start with regards to that. It flowed. It made sense. But it's just a matter of you know predominately using what is currently on our website as the basis for the archives. And then looking for any other potential records.

There are costs associated with archiving. As we talked about a little bit earlier so that was something that we wanted to address. We wanted to know if there was any costs by the Commission or whether the costs are born by the institution. But there are costs associated with it. We understood reaching out to California that the website is not reliable. When it crashes you may not recover all the information. We understood in 2010 that their website did crash. They were not able to recover all the information and they did not have it archived. So some of the information was lost. As a result it's best to

archive in two places versus one. With regards to that. Michigan in particular in addition to the oral interviews they would do for each individual Commissioner, they also would be interested in any handwritten notes or other materials that is not on the website that could be shared in the archives.

And as Commissioner Clark already stated in Michigan, they are archiving records for Voters Not Politicians and center for the local state and urban policy. So you would have that. So those are some of the lessons learned as we engage and met with these different entities to share this report with you as the Commissioner. And as a result the recommendation is to move that the Michigan independent E Redistricting Commission archives obviously with the State of Michigan archives and are ready to process immediately. I spoke to the lady yesterday with regards to that and followed back up with her because we don't know how long we will be in operation. So as a result they are ready to process immediately. As well as the University of Michigan who was also willing to start immediately as well.

Thank you, Commissioner Clark.

>> CHAIR CLARK: Thank you. Are there any questions from the Commissioners? I see none. I can't see you, Dustin. Do you have a question? Apparently not. Okay, Commissioner Lett?

>> COMMISSIONER LETT: Is the idea only to do archiving with the U of M and not Wayne state and Michigan state? Or is the idea to do all three? Or let all three archive?

>> CHAIR CLARK: The idea is to get started with the University of Michigan. We can't do anything with Michigan State at this point until unless they get a grant. And we can't do anything with Wayne state because they have an approval process, they have to go through to make that happen. It's a quarterly process. I believe they are meeting or did meet this week. So I don't know if it was on the agenda, or not.

So there would be a time delay with either one of those. We can adjust those when they get back to us. And see if we want to pursue it. Right now I would make sure we at least have it in one place. And the University of Michigan I think is the most comprehensive of the three given that Voters Not Politicians and Tom Ivanko's organization's data is going to be housed there as well.

>> COMMISSIONER LETT: Then I would move the motion as set forth on the screen just before. I would make that motion.

>> CHAIR CLARK: Thank you. Commissioner Lett and I've got a second from Commissioner Rothhorn. So the motion is made by Commissioner Lett, seconded by Commissioner Rothhorn. Is there any other discussion or debate on the item? On the motion?

>> COMMISSIONER ROTHORN: I want to say thank you for doing the research and presenting it. It was helpful.

>> MS. SARAH REINHARDT: Mr. Woods can you put the motion back on the screen for just one moment.

>> CHAIR CLARK: I believe Commissioner Rothhorn this will be extremely beneficial data for researchers. I think it's a good way to preserve our work as well.

>> COMMISSIONER ROTHORN: I'm just thinking about like Ava and I forgot her name already, Ava and Amelia and future students who want to get to this and do the work like that those archives will be important.

>> CHAIR CLARK: Absolutely. It will also be important, I believe, for the next Commission, yeah.

>> COMMISSIONER CURRY: Doug.

>> CHAIR CLARK: Yes, Commissioner Curry?

>> COMMISSIONER CURRY: They said if we had any personal notes, we would like to turn in who do we give them to our director?

>> CHAIR CLARK: Once we get things set with the University of Michigan, we will get that coordinated among the Commissioners. And get it turned into a Central point and get it to them.

>> COMMISSIONER CURRY: Okay.

>> CHAIR CLARK: Any other comments or questions?

>> COMMISSIONER CURRY: Okay.

>> CHAIR CLARK: Hearing none, we have a motion on the floor. Can we bring the motion up one more time? If that is possible.

So the motion is to move that the Michigan Independent Citizens Redistricting Commission places its archives with the State of Michigan archives in the University of Michigan. All in favor raise your hand and say aye.

Aye.

Opposed raise your hand and say nay.

Okay, the ayes prevail and the motion is adopted.

Next on our agenda which is unfinished business. We have an amendment to rules of procedures of the State of Michigan Independent Citizens Redistricting Commission Section 6.2. Without objection I will ask Commissioner Steven Lett, our legal liaison and MICRC Executive Director Edward Woods III to present this item. Hearing no objection, please proceed.

>> COMMISSIONER LETT: Thank you, Doug. With the pandemic officially over, unless you happen to have COVID, we are no longer required to have meetings by Zoom, we can go back to meeting in person. Or if we amend the rules we can continue to meet remotely. So the motion is as stated, it's under Section 6.2 meetings. And currently it says official actions shall be taken only at a meeting which is conducted in accordance with these rules. And then it says the Commission shall conduct meetings as follows. Which then sets forth a number of different scenarios for meetings.

So the proposed amendment is to add in-person or remotely by majority vote of the Commission. In setting such meetings, this would then allow us to continue either remotely, which probably makes the most sense since we are all scattered throughout the state. And occasionally throughout the nation. And since we are not drawing maps, all of the work that we need to do right now can be handled remotely without any problem.

So that's the purpose of the motion. And if there are any questions, I would be happy to try to answer them.

>> CHAIR CLARK: We have a motion on the floor made by Commissioner Lett. Do we have a second to that motion?

>> COMMISSIONER CURRY: I second.

>> CHAIR CLARK: I have a second by Commissioner Curry. Is there any discussion or debate on the motion?

>> MR. EDWARD WOODS: Yes, Commissioner Clark I would like to recognize Commissioner Orton from bringing this to our attention the inquiry is what set the bases for that so thank you Commissioner Orton.

>> CHAIR CLARK: Thank you Executive Director Woods and thank you Commissioner Orton.

>> COMMISSIONER LETT: I did not mean to slight you Cynthia it's your idea.

>> VICE CHAIR ORTON: I don't feel slighted at all. It was just a question.

>> COMMISSIONER LETT: Nobody would show up at an in-person meeting any way.

>> CHAIR CLARK: Are there any other comments? All right, all in favor of the motion please raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

The ayes prevail and the motion is adopted.

>> COMMISSIONER LETT: I have one more thing that kind of goes along with this. Under our rules of procedure miscellaneous Section 14.2, it states by adopting subsequent amendments, which this is, to these rules pursuant to this Section, the Commission ratifies all prior acts taken by the Commission. Pursuant to that Section on amendments, I would move that we, in fact, ratify all of our prior actions taken previous to this amendment. The purpose for doing that quite frankly is Mr. James Galant suggesting that we are not doing everything right. And thereby, therefore under Roberts rules of order we can ratify prior actions. So the motion is to ratify prior actions taken prior to this amendment.

>> CHAIR CLARK: Okay do I have a second to that motion? I have a second by Commissioner Szetela. Are there any comments? Or discussion on the motion?

Okay let's take a vote on that motion. All in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

The ayes prevail and the motion is adopted.

Thank you very much, Commissioners.

>> COMMISSIONER LETT: That's all I have on those.

>> CHAIR CLARK: Okay.

Let's move on to new business. Next on our agenda is new business item 6A fiscal year 23 budget update. Without objection I will ask MICRC Executive Director to present. Hearing no objection please proceed, Mr. Woods.

>> MR. EDWARD WOODS: Okay, let me see if I can share my screen. There is a challenge here with regard to that so hold on can you see the screen?

>> Yes.

>> MR. EDWARD WOODS: Thank you for your patience. Where you see the yellow lines those are bills that have not come in yet. I repeat those are bills that have not come in yet. Technology internal purchases through the state is internal line item transfer that comes from the state per month. We are waiting to receive that. That usually comes at the end of the month. But it's posted later. At this time we have not received that with our April financials, that comes from the legislative services Bureau. And also have not received an invoice for line drawing, for line drawing which would be for our mapping services as well as our expert witness fees and our ongoing lawsuit with the AG case.

We spent for the month of April without those 260,362.16. As many of you already know that 7 months of the fiscal year has transpired. And as a result we have only spent 48% of the budget has been expended but 58 of the fiscal year transpired. Once again, we do have two outstanding invoices. As you know we do have some office expenses that we are trying to get office and travel expenses that we are trying to get reimbursed by the end of the month as a result of that having our money at the beginning of the fiscal year. So this is a report. You see our costs are basically minimal. The bulk of our cost as always focuses on defending the lawsuit that we have in the AG case.

If there is any questions, I can take them at this time.

>> CHAIR CLARK: No questions for Executive Director Woods on this.

Okay, Executive Director Woods.

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

>> VICE CHAIR ORTON: Couldn't find my little hand to raise it. So it's not really about this. But it's about the upcoming fiscal year budget. What are we doing to make sure we are included in the budget?

>> MR. EDWARD WOODS: That would be part of the Executive Director report but I can assure you things are in motion and I'm working with Commissioner Lett and Commissioner Clark.

>> VICE CHAIR ORTON: Okay, thank you.

>> CHAIR CLARK: Okay we will get to that in a few minutes. Any other comments? On this subject? Okay thank you Executive Director Woods.

Let's move on to the agenda to the approval of the minutes, which is agenda item 7A. These are the minutes from the April 20th meeting. These draft minutes have been provided to the Commission before this meeting and are posted on the website. Are there any edits to these minutes?

Seeing none, can I have a motion to approve the minutes?

>> COMMISSIONER ROTHORN: So moved.

>> CHAIR CLARK: Okay I've got a motion by Commissioner Orton and a second by Commissioner Rothorn.

Okay, all in favor, raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

The ayes prevail.

Let's move on to the next agenda item. Okay.

The next agenda item is item number 7.B. yes, 7.B from the April 20th meeting.

Without objection, I will ask MICRC Executive Director Woods to present. Hearing no objection, please proceed, Mr. Woods.

>> MR. EDWARD WOODS: Thank you, Commissioner Clark. We just want to make sure that the motion was clear. I think the intent was clear but we just want to make sure we have a clarifying motion. So the minutes is accurate the minutes are accurate transpire what took place at the meeting. But we do want to ensure clarity. The motion that was approved was authorize MICRC Executive Director to work with the Michigan Department of State to ensure approved travel expenses are expensed and not billed in the contract and this is a revised one to authorize MICRC director to make sure they are reimbursed and hourly rate is not billed for travel unless Commission work is being done in the litigation contract. If there are any questions, I can take them at this time but this is just to ensure clarity. So this is the motion that we are requesting that the Commission approve for its consideration.

>> CHAIR CLARK: Do I have a motion on the floor from one of the Commissioners? Motions by Commissioner Lett and seconded by Commissioner Curry.

Okay, any discussion on the clarifying motion? Okay I will make one comment. When I signed the paperwork for the original motion, I brought it to Edward's attention that I didn't think it was detailed enough to discuss for discussion purposes on what the comments Commissioner Lett had made during the meeting. So we revised it and thought we would bring forward a clarifying motion on that.

So, okay.

So we got a motion on the floor. Let's take a vote, all in favor raise your hand and say aye.

Aye.



All opposed raise your hand and say nay.

The ayes prevail and the minutes are approved.

Okay.

So let's move on to Executive Director report. There isn't an Executive Director report today. Without objection I will ask MICRC Executive Director Woods to provide his report. Please provide, please proceed, Mr. Woods.

>> MR. EDWARD WOODS: Thank you, Commissioner Clark. If you can -- can you see my screen?

>> CHAIR CLARK: Yes, we can.

>> MR. EDWARD WOODS: Perfect. Thank you. And let me do ahead and advance the slide. April highlights for the website. Once again Page views are going down. Approximately 9700 Page views final District maps represent 59% and District maps by county 11.5%. A lot of work being done is focused on our catalog of meetings. This is going to be actually instrumental for archiving and for archiving purposes. And so I tried to update that once a quarter and share it with you so that you see everything that is there. We have a few outstanding items missing and we hope to be caught up with everything in June. And working with the Michigan Department of State. But this is the catalog of meetings. It's an excel spreadsheet document that talks about everything from beginning that we met until the end. And provides also a summary. We use this for our quarterly financial reports to the legislature. And it's also a way for people who want to know took place at each meeting to identify and go back and look what happened back in July of 2021 or 22 or what have you and actually links to the actual meeting or subcommittee that the Commission may have had in place at the time. So they can get it right there. So all of that is in one spot.

Abacus service corporation as you know the Commission voted. Have been working with the -- them in terms of set up. This week they started to set up for the expense reports and the time. So there is a few things outstanding but for the most part everything seems to be going smoothly and people have been paid. And so once again we are still working with Abacus. If you have any questions or concerns, please notify me with regards to those so I can make sure that they are solved.

As relates going back to Commissioner Orton's inquiry about the fiscal year 24 budget, the best metaphor I could think of is we are kind of like caught in a pickle. We are like this unicorn out there. You know, we are a legislative body that has a Constitution amendment that was passed where the legislature is required to fund us. But then if you remember last time the legislature said the administration included in the budget, administration said the legislature did not approve the budget and there is really no process for how we go through the budgeting process. You know when you are on the executive side you know you work with the Governor's office. You submit your budget. You testify before the legislature and that is how it's done on the executive side. But we are part of the legislative Branch. So we are kind of caught between two. And

the thing that is so ironic when we sue the taxpayers pay for us to defend the lawsuit and our attorneys and the taxpayers pay for the state, for them to show up in Court. And so we wanted to be proactive and want to thank and give a shout out to Mike Brady as well as to Nate and David Fink. And also the offices of state Senator Sarah Anthony and Angela Witwer to avoid this quagmire and 23 doesn't happen in fiscal year 24. So we sent an e-mail. I'm waiting for response to the state budget director with regards to what is the process. What do we need to do. Because the budget is in the approval process. It's going through the process to be approved. And we want to say, again, because we also spoke up last year hey don't forget us. But also at the same time we asked our attorneys to reach out to the AG's office so that they could reach out to the House attorneys as well as the Senate attorneys and hey remind them that, hey, we still have pending litigation. Here is the potential timeline. There is a great chance that we will not be settled with this lawsuit this fiscal year. Once again, we will not be settled with this lawsuit for this fiscal year. And so initially they kind of pushed back and said, no. We think you will but when Nate Fink shared the timeline, they agreed we probably wouldn't. And they said they would reach out to their attorneys and get back with Nate Fink.

Usually the budget is approved in June, sometime in June, before the 4th of July recess. And that's what we want to be included in that budget. We have shown that the Commission is good stewards of taxpayers money by receiving a clean audit and shown we are good stewards of taxpayers money and behind 10% in this fiscal year. Every time we had a surplus, we have been good stewards and returned the money back to the legislature. I repeat we returned the money back to the legislature. I noted there was some confusion among some folks in the legislature with regards to our ability to keep the additional funding when we got the additional funding for legal bills. They thought we could keep the additional money. No, the Constitution is very clear. We had to return it back. We know there was some confusion with the legislature that they thought we authored the slay the dragon was formed but we were not formed and wanted to set the record straight and be clear and transparent and also be responsible stewards of taxpayers money and not paying for the Plaintiffs as well as the Defendants. So we have once again a call out to the attorneys for the State House and State Senate to get us included in the budget but at the same time we want to avoid what happened last time. And so as a part of the Commissioner's discussion, as you deliberate and debate, one thing that might be up for consideration would be authorizing the Executive Director to work with our legal counsel just in case we need to pursue some legal action. So we don't have to go through what we did last time. And wait. Because usually after the budget is completed in June you can see the reluctance of both sides, both houses I should say the House and the Senate to actually taking up this legislation to approve our budget and as a result we had no money until February that we were able to or the end of January I think it was voted the end of January but we didn't get the funds to actually February so we were basically operating October, November, December,

January, four and a half months without a budget. And so that is something to consider as part of your debate and deliberations as to what we can do to move forward. I would like to suggest that we do provide that authority to with regards to authorizing that and by doing that I always work with the Commission Chair and legal liaison in terms of trying to rectify this situation. If there are any questions, I can take them at this time.

>> CHAIR CLARK: Any questions or comments from individuals? Do I have somebody that would like to make a motion that Mr. Woods be given the authority to work with legal counsel in case it's needed?

>> COMMISSIONER CURRY: So moved.

>> CHAIR CLARK: Okay I've got a motion by Commissioner Curry. Do I have a second?

>> VICE CHAIR ORTON: I will second that.

>> CHAIR CLARK: Okay a second by Commissioner Orton. Okay.

All in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

The ayes prevail and the minutes are approved.

>> MR. EDWARD WOODS: Great and thank you. Hopefully we can get out of this pickle as they say between a rock and a hard place. Because the unicorn nature of our Commission. Last but not least just want to recognize Commissioner Lett and Commissioner Szetela. They did an interview for our "New York Times" with regards to redistricting and Supreme Court case. So once again this Commission continues to be in the news as a result of what's taking place around the country and once again kudos to each Commissioner for your outstanding work. Because you are still being talked about as a model for the nation. So once again thanks again to Commissioner Lett and Commissioner Szetela for being a part of that. They wanted to interview independence or people not affiliated with either party as a result of the interview. Thank you again.

>> CHAIR CLARK: Do you have something to say?

>> COMMISSIONER LETT: Yeah, I'm officially pissed off. None of my comments made it into the Article. All of Rebecca's comments made it into the Article.

>> VICE CHAIR SZETELA: Sorry Steve.

>> COMMISSIONER LETT: I'm going to have to learn to be more assertive.

>> MR. EDWARD WOODS: Thank you for the support of Commissioner Clark and the members and thank you that concludes my report.

>> CHAIR CLARK: Thank you, Mr. Woods. There is a legal liaison report without objection. I will ask our legal liaison Commissioner Steven Lett provide his report. Please proceed Commissioner Lett.

>> COMMISSIONER LETT: You will have to refer to Rebecca because she gets all the kudos.

I think everybody has received the motion from Baker for summary disposition along with the brief. If you haven't, I know I got another copy today. Edward, I think you sent it to everybody I'm assuming.

>> MR. EDWARD WOODS: Yes, but there was a delay on the e-mail so I didn't get it right away. But they should have gotten it last night, thank you.

>> COMMISSIONER LETT: Of course, the procedurally for those who are not used to litigation, the motion simply says we deserve to win and see the brief that's attached. And then the attached brief. Basically we have talked with, we had a discussion with Baker along with Edward and Fink about what they were going to put in et cetera. Their estimate is the -- there's a good chance on parts of the motion that we would be successful and might prevail. But they don't think that we would prevail 100% and have the case dismissed.

Understand that the -- what you have in Federal Court and motions is there has to be no disagreement on a material Section of the motion. In other words, there can be no facts which would support the other side. So there can be no dispute regarding the material fact in the case.

And that is relatively a hard thing to prove without having some type of documentation and evidence testimony. So we have had depositions which certainly can be used. But that is procedurally where it sits. The AG the Plaintiffs have filed a similar motion that says we deserve to win because there is no dispute about a material fact. And no factual situation can arise which would negate that and therefore we should win. And then they have supplied a 35-Page brief approximately just like we did. So assuming that I will say that in Federal Court they are much in my experience much more likely to grant a summary judgment motion than in state Court. However, you still have in these types of cases and this in a voting rights case redistricting case they are so fact dependent that it's very hard to get a summary judgment motion granted. So there is no expectation the whole thing will be dismissed. There is some expectation that portions of it would be dismissed. I will say we are meeting, having another meeting tomorrow with Baker and Fink and Edward and we will discuss, I don't know exactly what we will discuss. From what I get from Baker's e-mail to us is they wanted to discuss presentation of the motion, I guess. They have an oral argument if it's going to be Zoom or in-person. Held in Kalamazoo at the Federal Court is my understanding. And that means Cynthia would be handy to go down and see what happens. I might go just because and anybody else is certainly welcome to show up and sit in the peanut gallery and when we make a point you go ya and when the other side makes a point you go boo. And if you do that you will get thrown out of Court. But having said all that, if you have any questions how the process works, if you read through the briefs and you have particular questions, I certainly would be happy if you want to get ahold of me, I can try to answer them for you. I don't know that I would necessarily be able to. I don't know Rebecca you want to open yourself up for commentary?

>> CHAIR CLARK: Commissioner Szetela you have your hand raised.

>> VICE CHAIR SZETELA: I would not say commentary but just sort of explaining like I would to a fifth grader like what all these different things are. So we are at the point now where we have gone through what we call discovery which is the other parties each investigate each other's claims and at the motion stage which is where you go before the Court and you say I don't think this should go to trial because of XYZ and I think you Judge and rule in my favor and the point we are at now. Part can be granted or denied if there is some sort of partial grant it does not mean the case is over and we can have a trial date set and move for trial or the Court can say there are no merits for the claims and throw it out and we would advance probably to P an appeals. This is the litigation process for those who are not lawyers as long and complicated and many steps along the way and kind of like at step two. So everybody understands where we are at and the Court decides whether we are moving to trial or we are not moving to trial and where we go from there so that would just be my additional clarification. And certainly if other people have questions feel free to ask me as well. I'm more than happy to clarify things if anyone has concerns.

>> CHAIR CLARK: Thank you Commissioner Szetela. Do you have anything else to discuss Commissioner Lett?

>> COMMISSIONER LETT: I don't believe so I made a note to myself since I am on and we just passed amendment to meet remotely and we need to take a vote on how we are going to meet from here on out. So I guess at this point with your permission, Mr. Chair, I would move that we continue to meet remotely unless we meet but that is my motion to continue to meet remotely.

>> CHAIR CLARK: I have a motion on the floor do I have a second? Second from Commissioner Weiss. All in favor of the motion raise your hand and say aye.

Aye.

All opposed raise your hand and say nay. The ayes prevail and the motion is approved. Thank you.

>> COMMISSIONER LETT: Unless somebody has questions for me.

>> CHAIR CLARK: I see no questions thank you Commissioner Lett. Without objection I will ask Mike Brady or Sarah Reinhardt from the Michigan Department of State if they have an update. Hearing no objection, please proceed Mr. Brady or Ms. Reinhardt.

>> MS. SARAH REINHARDT: I have no updates. Mike, do you have anything?

>> I do not.

>> MS. SARAH REINHARDT: He said he does not.

>> CHAIR CLARK: Move on correspondence, if any was available was received in advance of our meeting today along with any written public comments to the Commissioners. Future agenda items are there any agenda items the Commissioners would like to have added to future agendas? Seeing none are there any

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announcements from the Commissioners or the Executive Director? Seeing none, as the items on the agenda are completed and the Commission has no further business, a motion to adjourn is in order. May I have a motion to adjourn?

>> VICE CHAIR ORTON: So moved.

>> CHAIR CLARK: Motion from Commissioner Rothhorn to adjourn and a second from Commissioner Lett. All in favor raise your hand and say aye.

Aye.

All opposed raise your hand and say nay.

The ayes prevail, the meeting is adjourned at 11:10 a.m. Thank you.

Good-bye everybody.

>> See you. Good-bye.