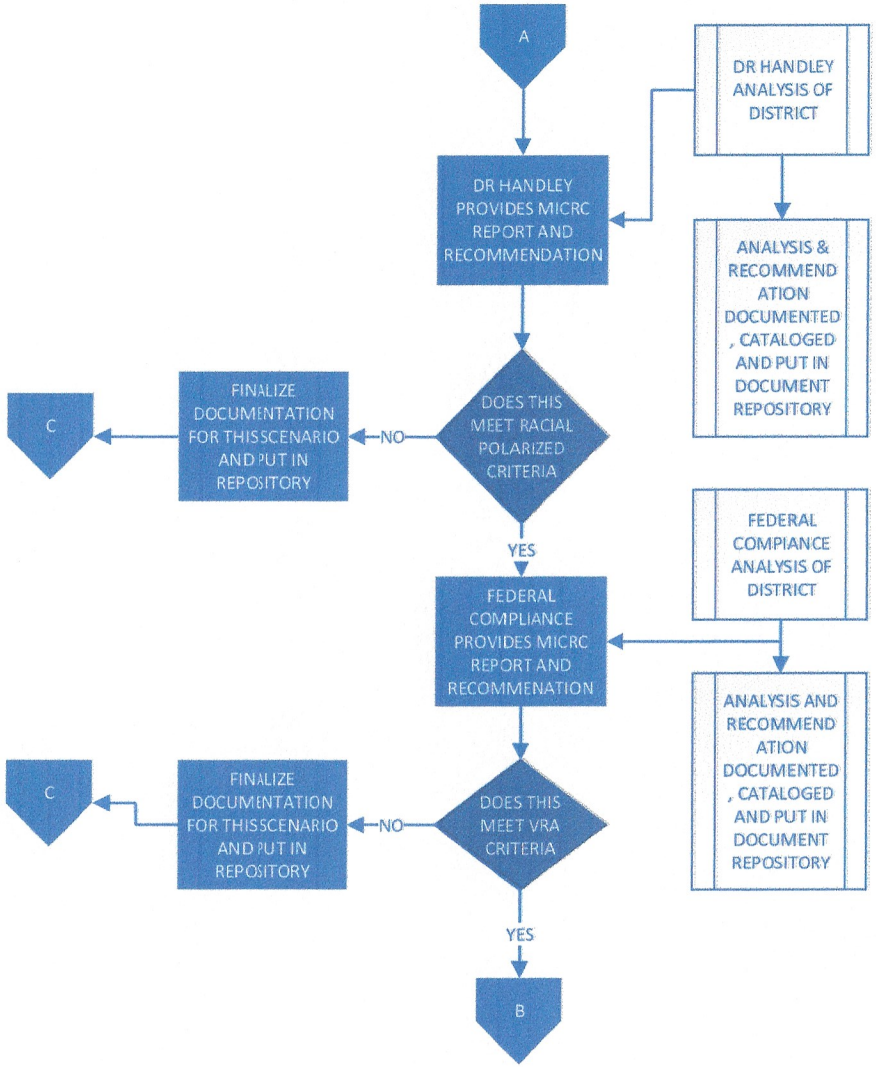
MICRC Redistricting Process



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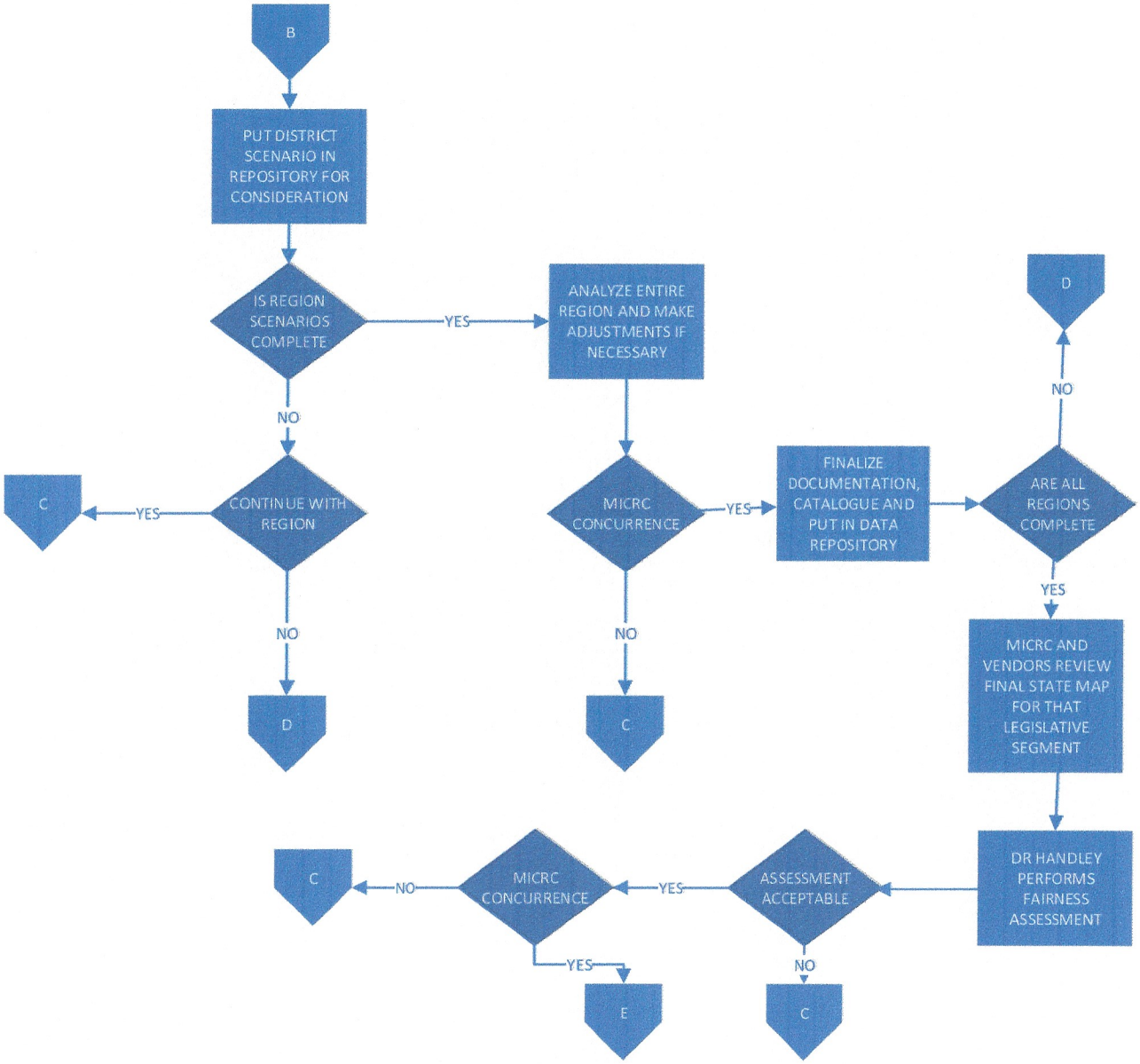

DRAFT COI and Public Comment Process and Considerations
v.8.6

Public Comment Formats

Public Comment Portal
- COI Maps, State House, State Senate and Congressional Maps, Written Public Comment
- Searchable by topic or tag using the Advanced Search Feature
- Downloadable shape files for each type of map

Emailed/Mailed Public Comment
- Available in the Meeting Notices and Materials Section of Michigan.gov/MICRC

Live Public Comment (from public hearings and meetings
- Available to watch recorded livestreams on the YouTube Playlist or in the transcripts, available in the Meeting Notices and Materials Section of Michigan.gov/MICRC

Possible Process & Considerations

STEP 1
Is there sufficient data available to determine a geographical boundary of this community of interest or to ensure its inclusion, in entirety, within the same district?

Considerations:

a. Assess available public comment submissions describing this community via drawn maps or written/verbal descriptions.
    i. Do public comment submissions describing this community of interest agree or conflict?
b. Examine ACS or other reliable population data
    i. Does the supplemental data agree or conflict with the public comment's COI description?
c. Can the Commission sufficiently determine boundaries of the Community of interest, so as not to divide it between multiple districts for each map, including:
    i. State House maps
    ii. State Senate maps
    iii. Congressional maps

IF YES: Go to step 3
IF NO: Go to step 2

STEP 2
Is the Commission able to obtain additional information or data about this community of interest?

Considerations:

a. Are other public comments available describing this community of interest?
    i. Do additional public comments describing this community of interest agree or conflict?

b. Are additional data sources available to supplement this public comment submission (ACS etc.).
c. Can staff contact the public comment participant or member of the community to provide additional detail and data on populations and geographical boundaries?
d. Is the Commission able to draw conclusions about the COI boundaries based on available information?

IF YES: Go back to step 1
IF NO: Go to step 3

STEP 3

Based on all available information, the Commission may perhaps deliberate and create a special data layer of the COI for reference during the mapping process (if needed) and proceed with deliberation and determination of how this community of interest will be considered or included within electoral district lines.

DRAFT Mapping Software Guidelines Re: Quorum

The MICRC is committed to transparency and public engagement. The public does not have access to the same software environment as the MICRC. Given that:

1. Intentional sharing (i.e., check boxes) of draft maps with a quorum of the MICRC or an active Committee of the MICRC is not permitted. This includes situations where a quorum is reached in consecutive interactions (i.e., constructive quorum).

2. Modification of another Commissioner's draft maps in the software is not permitted.

3. Caution should be used when commenting on another Commissioner's draft maps in the software. Commenting by a quorum of the MICRC on a draft map is not permitted.

4. Cloning with subsequent modification of the cloned map so that it is clearly distinguishable from the original map is permitted. The source of cloned maps shall be noted if a Commissioner utilizes such map and makes modifications to it.

5. Any proposed maps received from external sources shall not be imported by any Commissioner. External maps received shall be part of the public record and, if requested to be imported by a majority of the Commission, the import will be imported by EDS.

DRAFT MICRC Mapping Procedure

1. The MICRC shall designate a schedule to address mapping and the order of regions.

2. The schedule of regions shall be published on the MICRC website. Publication via social media may also be utilized.

3. All mapping by the MICRC shall occur in a public meeting.

4. The MICRC shall direct EDS in map drawing activities.

5. The Chair, Vice Chair or designated Commissioner to chair that meeting shall facilitate mapping discussion.

6. Draft plans, whether complete or incomplete districts, shall follow naming protocols as follows:
   - Name your file by filling in the blanks -- Region Name _____ (District type-St Senate, St House, or Congressional)_____ (Commissioner Initials) _____

     Example: Upper_Peninsula_St_Senate_ABC

   - If you wish to clone an existing map from a Commissioner please utilize the existing name (for tracking purposes) and add your initials at the end

     Example: Upper_Peninsula_St_Senate _ABC_XYZ (But remember not to create a constructive quorum)

   - If you wish to edit an existing map from the public comment portal, utilize the name that has been provided, add the type of district if needed, and add your initials.

   Example: AFL-CIO_St_House_ABC

   NOTE: When submitting draft plans to EDS it is helpful to provide brief commentary if you are starting with an existing map and then drafting, since sometimes changes can be very small and hard to see, particularly when opening a plan in a statewide view.

7. The MICRC shall direct which draft plans will be published to the MICRC website for public comment.

8. Individual Commissioners may proffer draft districts or maps for consideration by the MICRC. These submissions shall be part of the public record and available for public viewing. A majority of the MICRC shall determine whether to integrate individual submissions into the MICRC's draft plans.

Consensus

Notes from a Presentation to the MICRC
by Suann Hammersmith on June 22, 2021

What is Consensus?

- A process involving a good-faith effort to reach the best possible outcome among relevant stakeholders and maximize possible gains
- Enables the group to develop mutually acceptable solutions
- Is reached whenever the group, as a whole body, agrees that they are satisfied with the proposals after every effort has been made to get as close as possible to agreement. Consensus discussion will lead to one or more versions of plans, which subsequently will be formally acted upon for consideration by the public. There is no consensus process for decision-making in the MICRC rules. Therefore, formal votes will take place for adopting draft maps for consideration prior to the second round of public hearings; adopting proposed plans for publication triggering the 45-day public comment period; and the final vote to adopt plans.

What isn't Consensus?

- Majority Rules
- Ever since Robert's Rules were developed in 1876, groups have relied on majority rule. Although it will take more time to build consensus prior to getting to the final map plans, consensus will tend to build agreements that are more stable, effective, and wise. As noted above, a formal process will need to be utilized when adopting draft maps for consideration prior to the second round of public hearings; adopting proposed plans for publication triggering the 45-day public comment period; and the final vote to adopt plans, including two each who affiliate with the Democratic Party, Republican Party, and neither major party.

Why is Consensus Important?

- It offers a way to increase mutual trust, respect, and commitment.
- It helps establish a common understanding and framework for developing a solution that works for everyone. Stated another way, it seeks to transform adversarial interactions into a cooperative search for data and common ground.
- It invites widespread participation to increase the quality of solutions.
- It offers a way to collaborate to solve complex issues, including developing complex maps, that are most acceptable to all.

Steps to Consensus Building

1. Set expectations. The MICRC Strategic Plan states how the Commission will work together, including abiding by the core values of integrity, respect, transparency and being purposeful.

3. Develop the process.
4. Engage everyone in framing and reframing the options. Suggestions include: fact-finding, brainstorming, mutually advantageous approaches, consideration of information from experts, dealing with differences in constructive ways, joint ownership, and learning and growing together.
5. Reach agreement.

Suggested Process Criteria

- Driven by the mission and vision
- Guided by the core values & core competencies
- Encourage listening to others and respectful face-to-face conversation
- Incorporate data and public comment
- Encourage participants to challenge assumptions and fully explore alternatives
- Keep participants engaged and learning
- Commitment to significant efforts to seek consensus

Anticipated Outcomes

- The best possible agreements; deadlock minimized; the quality of the solutions in making maps is increased
- Participation increases knowledge and builds relationships
- Information and comprehensive analyses are understood and accurate
- Engagement in and ownership of the process
- Shared learnings are extended beyond the immediate group
- Outcomes serve the common good
- Outcomes are fair

Getting to Yes Summary

Source: Review by Lucio Buffalmano

Getting to Yes is a classic book regarding negotiation. The authors, William Ury and Roger Fisher shifted the way the Western world thinks and teaches negotiation tactics and techniques, helping to go from a model of power to one of collaboration.

Executive Summary

- Separate the problems from the people: attack the problem and respect the people
- Negotiate based on interests, not on positions; look for shared interests
- Be open to changing your stance based on facts (if you want the others to be open to your influence as well, which you should)

Full Summary

About the Authors: Roger Fisher studied law at Harvard and later became a professor at Harvard Law School. William Ury studied anthropology and later dedicated himself to negotiation tactics. Their book, Getting to Yes, is based on the analyses and research of the Harvard Negotiation Project, which Ury and Fisher co-founded.

The main focus of "getting to yes" is to avoid adversarial negotiation (positional bargaining), clashes of egos, and escalation that lead to nowhere or to a place where both sides end up losing.

Be Soft on People, Hard on Problems

The authors state that most people fall into two different categories when it comes to negotiation: the soft approach and the hard approach.

The hard approach is assertive or aggressive and seeks to win. The soft approach is more concerned with the relationship, has difficulties saying no, and works well when dealing with others utilizing soft approaches. However, it loses when facing negotiators using a more hardline approach.

The authors argue that you don't have to choose between hard-hitting or softer approaches. Instead, you can be hard on the issues, while being warm and respectful towards the people.

Differentiating between the people and the issues is one of the key tenets of Getting to Yes and what the authors call "Principled Negotiation".

4 Steps of Principled Negotiation

Principled Negotiation is based on four steps:

1. Separate people from the problem
2. Focus on interests, not positions
3. Generate options for mutual gain
4. Insist on using objective criteria

1. Separate People from the Problem/Position

When you identify people with positions or problems, it creates a risk for negotiations to escalate or reach an impasse.

In adversarial negotiations people often end up stuck, sometimes not because of the proposed solution, but because they don't want to be viewed as giving in. Separating people from positions can also help people save face.

- Clarify perceptions - Reach a common understanding of the needs and goals of each position; put yourself in others' shoes
- Recognize and legitimize emotions - Emotions are a common source of adversarial negotiations and escalations. Acknowledge them and let people vent, but never take things personally. Avoid "you" sentences, which can sound harsh or accusatory. If you feel attacked, respond regarding possible solutions.
- Communicate clearly - Miscommunication, false assumptions, and lack of understanding are at the roots of depersonalization and adversarial negotiation.
- Keep in mind that a constant battle for dominance will threaten the relationship.

2. Focus on Interests, Not Positions

When you focus on positions you blind yourself to alternative solutions and it's more likely that you end up in adversarial positions (my position vs. your position). Initially in

the case of the MICRC, while drawing draft maps for consideration prior to the second round of public hearings, look for ways to leave 2-4 different draft districts or maps on the table for public input and future consideration.

3. Generate Options for Mutual Gain

Seek solutions and alternatives for win-win and mutual gain. If it's not necessarily mutual gain, seek to find a compromise that both sides can live with or that works to help equalize the give-and-take,

4. Insist on Using Objective Criteria

Using objective criteria and upholding fairness is critical to the work of the Commission.

Seek Alternatives

The BATNA - Best Alternative to a Negotiated Agreement - rests on the assumption that you are only as powerful and strong as the quality of your alternatives. The best way for weaker parties to negotiate with more powerful ones is by investigating and developing alternatives.

Unfair Negotiations

Ury and Fisher suggest drawing attention to any unjust tactics and then negotiating fairer ways moving forward.

Real-Life Quick Tips

- Always aspire to obtain the best results.
- Build the human connection.
- Assure fairness. The most powerful position is convincing others that you're asking for no more than what's fair.