

**Rules of Procedure of the State of Michigan  
Independent Citizens Redistricting Commission**

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**Draft 1 of Proposed Amendments**

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## **1.0 NAME AND DEFINITIONS**

**Section 1.1: Name.** The official name of the Independent Citizens Redistricting Commission for state legislative and congressional districts (the “Commission”) is the “State of Michigan Independent Citizens Redistricting Commission.”

**Section 1.2: Definitions.** For the purpose of these rules, the following terms have the meaning provided herein:

- A. “Freedom of Information Act” or “FOIA” means Public Act 442 of 1976, being MCL 15.231 *et seq.*
- B. “Major party” means one of the two political parties with the largest representation in the state legislature.
- C. “MDOS” means the Michigan Department of State being the Office of Secretary of State.
- D. “Meeting” means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy. Meetings shall include public hearings where these conditions are met.
- E. “Open Meetings Act” or “OMA” means Public Act 267 of 1976, as amended, being MCL 15.261 *et seq.*
- F. “Redistricting Matter” means any matter on the subject of determining or revising state legislative and U.S. Congressional district boundaries, or the redistricting-related activities of the Commission. This shall not include organizational, administrative or operational work of the Commission not directly associated to the core activity of redistricting.
- G. “Types of Districts” means state senate districts, state house of representative districts, and U.S. congressional districts.

## **2.0 AUTHORITY AND PURPOSE**

**Section 2.1: Organization.** The Commission is a public body organized pursuant to the Constitution of the State of Michigan (the current Constitution being ratified on June 20, 1963) (the “Constitution”) by affirmative vote of the people of the State of Michigan at an election held Tuesday, November 6, 2018, to propose certain revisions to the Constitution. The Commission operates according to the constitution and laws of the State of Michigan, and subject to the constitution and laws of the United States of America. The Commission is established as a permanent commission in the legislative branch and shall be convened by October 15 in the year of the federal decennial census.

**Section 2.2: Purpose.** The purpose of the Commission is:

- A. Exercise the Constitutional powers granted to the Commission which are legislative functions not subject to the control or approval of the legislature, and are exclusively reserved to the Commission.

- B. Operate in an impartial and transparent manner that reinforces public confidence in the integrity of the redistricting process.
- C. Conduct statewide public outreach and invite meaningful public participation in the redistricting process.
- D. Adopt a redistricting plan for each of the following types of districts: state senate districts, state house of representative districts, and U.S. congressional districts no later than November 1 in the year immediately following the federal decennial census.
- E. Engage in the process of redrawing district boundaries to guarantee equal voter representation through equal, or equivalent, population counts and other relevant criteria set forth in applicable federal and state laws.
- F. Ensure compliance with the redistricting criteria set forth in article IV, section 6, subsection 13 of the Michigan Constitution being, in order of priority:
  - a. Districts shall be of equal population as mandated by the United States constitution, and shall comply with the voting rights act and other federal laws.
  - b. Districts shall be geographically contiguous. Island areas are considered to be contiguous by land to the county of which they are a part.
  - c. Districts shall reflect the state's diverse population and communities of interest. Communities of interest may include, but shall not be limited to, populations that share cultural or historical characteristics or economic interests. Communities of interest do not include relationships with political parties, incumbents, or political candidates.
  - d. Districts shall not provide a disproportionate advantage to any political party. A disproportionate advantage to a political party shall be determined using accepted measures of partisan fairness.
  - e. Districts shall not favor or disfavor an incumbent elected official or a candidate.
  - f. Districts shall reflect consideration of county, city, and township boundaries.
  - g. Districts shall be reasonably compact.
- G. Implement procedures to effectively manage and provide necessary public access to data and reports generated by the Commission as well as those materials received by the Commission from members of the public while at the same time ensuring the integrity, availability, and accountability for such information.

**Section 2.3: Authority.** The Commission is authorized to perform its duties and all activities necessary to serve its purpose, as stated herein or set forth in article IV, section 6 of the Constitution.

- A. The Commission has the sole authority, acting pursuant to the Constitution, to promulgate and adopt a redistricting plan or plans for the State of Michigan.
- B. The Commission has procurement and contracting authority.
- C. The Commission may hire staff and consultants including legal representation.
- D. The Commission shall receive from the Michigan legislature, beginning no later than December 1 of the year preceding the federal decennial census, and continuing each year in which the Commission operates, appropriation of funds sufficient to compensate the individual members of the Commission and to enable the Commission to carry out its functions, operations and activities, which activities include retaining independent, nonpartisan subject-matter experts and legal counsel, conducting hearings, publishing

notices and maintaining a record of the Commission's proceedings, and any other activity necessary for the Commission to conduct its business, at an amount equal to not less than 25 percent of the general fund/general purpose budget for the secretary of state for that fiscal year.

**Section 2.4: Adoption of Rules of Procedure.** The Commission may determine its own rules and order of business pursuant to the authority granted in article IV, section 6, subsection 4 of the Constitution to facilitate the performance of its duties and the exercising of its Constitutional powers. The following set of rules shall be in effect upon their adoption by the Commission and until such time as they are amended or new rules are adopted in the manner set forth in Section 14.0 of these rules. None of the rules herein stated may supersede the constitution or laws of the State of Michigan or the constitution and laws of the United States of America.

### **3.0 MEMBERSHIP AND APPOINTMENT**

**Section 3.1: Membership.** The Commission shall be comprised of thirteen (13) members. Four (4) members shall affiliate with the Democratic Party, four (4) members shall affiliate with the Republican Party, and five (5) members shall not affiliate with either major party.

**Section 3.2: Eligibility.** A person is eligible to serve if they meet the criteria set forth in article IV section 6, subsection 1 of the Constitution and:

- A. Are registered and eligible to vote in the State of Michigan;
- B. Not currently be or in the past 6 years from the date of selection as a member of the Commission have been any of the following:
  - a. A declared candidate for partisan federal, state, or local office;
  - b. An elected official to partisan federal, state, or local office;
  - c. An officer or member of the governing body of a national, state, or local political party;
  - d. A paid consultant or employee of a federal, state, or local elected official or political candidate, of a federal, state, or local political candidate's campaign, or of a political action committee;
  - e. An employee of the legislature;
  - f. Any person who is registered as a lobbyist agent with the Michigan bureau of elections, or any employee of such person; or
  - g. An unclassified state employee who is exempt from classification in state civil service pursuant to article XI, section 5 of the Constitution, except for employees of courts of record, employees of the state institutions of higher education, and persons in the armed forces of the state;
- C. Not be a parent, stepparent, child, stepchild, or spouse of any individual disqualified under part (B) of this Section;
- D. Not be otherwise disqualified for appointed or elected office by the Michigan Constitution; or
- E. Not be otherwise disqualified as set forth in Section 3.4 of these rules.

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

- A. Once the Commission has completed its obligations for a census cycle; and
- B. Any judicial review of the redistricting plan is complete.

**Section 3.4: Vacate Office.** Each member shall serve for the entire term of the Commission unless they shall vacate their office. A commissioner's office shall become vacant upon the occurrence of any of the following:

- A. Death or mental incapacity of the member where the member is unable to discharge the powers and duties of his or her office;
- B. The secretary of state's receipt of the member's written resignation. The resignation shall be effective as of the date of the written resignation, no formal Commission action is required to accept a resignation;
- C. The member's disqualification for election or appointment or employment pursuant to article XI, section 8 of the Constitution setting forth convictions for certain felonies, eligibility for elective office or certain positions of public employment;
- D. The member ceases to be qualified to serve as a commissioner under article IV, section 6, subsection 1 of the Constitution or Section 3.2 of these rules; or
- E. After written notice and an opportunity for the member to respond, a vote of ten (10) of the members finding substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office. The member subject to removal is not entitled to vote on their removal. The following procedures shall be used to effectuate Section 6(3)(e) of Article 4 of Michigan's 1963 Constitution:
  - 1. Notice and Allegations. Any member may submit a written Notice Under Subsection 3(e) to the Secretary that states the grounds another member's office should be declared vacant under Section 6(3)(e) of Article 4 of Michigan's 1963 Constitution.
    - a. This written Notice Under Subsection 3(e) shall:
      - i. be dated and signed; and
      - ii. provide a detailed factual basis in support of the allegations against another member of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office. The factual basis shall include the specific facts and factual foundation on which the Notice Under Subsection 3(e) is based. Supporting documentation, if any, shall be included.
  - 2. Prohibition on Participation. The member subject to the allegations contained in the Notice Under Subsection 3(e) may not participate in the resolution of the matter by the Commission. The member may respond to the Notice and participate in this process as a responding member to the Notice Under Subsection 3(e).
  - 3. Distribution and Scheduling. The Secretary shall:
    - a. Upon receipt, forward a copy of the Notice Under Subsection 3(e), any supporting documentation, and a copy of the current MICRC Rules of Procedure via electronic transmission to the individual commissioner, being

- the responding member, that is the subject of the *Notice Under Subsection 3(e)*.
- b. Upon receipt, forward a copy of the *Notice Under Subsection 3(e)* and any supporting documentation via electronic transmission to each member of the Commission, excluding the responding member, and its General Counsel.
  - c. Provide notice of the specified regularly scheduled meeting or designated special meeting to address the *Notice Under Subsection 3(e)* within 30 days but no earlier than 14 days of its receipt. The Commission shall set the date, time, and place of such meeting designated to address the Notice by majority vote.
  - d. Upon receipt, distribute to the responding member, each individual Commissioner and General Counsel any documentation filed in response to or in regard to the *Notice Under Subsection 3(e)*.
4. Response to *Notice Under Subsection 3(e)*. The responding member if he or she chooses, may file with the Commission, through the Secretary, a written response to the *Notice Under Subsection 3(e)* up to seven days prior to the date set for the meeting at which it is to be addressed. Additional time to respond, if needed, may be sought upon written request to the Commission and filed with the Secretary. Additional time may be granted by majority vote of the Commission. The responding member may not participate in the vote to grant additional time.
5. Meeting. The Commission shall address a *Notice Under Subsection 3(e)* at a specified regularly scheduled meeting or designated special meeting. The responding member shall be afforded an opportunity for a meeting to be held to address the allegations in the *Notice Under Subsection 3(e)* and obtain reasonable notice of that meeting as follows:
- a. An opportunity to address the allegations in the *Notice Under Subsection 3(e)*, with the date, time and place of the meeting to be set by majority vote of the Commission. The responding member may not participate in the vote to set the date, time and place of the meeting.
  - b. The meeting shall be noticed by the Secretary in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, being MCL 15.261 *et seq.* and posted on the Commission website. The meeting notice shall be forwarded directly to the responding member via electronic transmission.
  - c. The Commission shall have the authority to adjourn a matter for good cause shown, provided there is no prejudice to the responding member or other interested party. In no case shall the Commission's decision as to a *Notice Under Subsection 3(e)* take place later than 60 days from the date such notice was filed with the Secretary unless a longer period is stipulated between the Commission and the responding member.
6. Failure to Appear. If the responding member fails to appear at the meeting to address the *Notice Under Subsection 3(e)* after distribution and posting of the meeting notice, the Commission may, if no adjournment is granted, determine that the responding member has waived the opportunity to participate in the meeting to address the allegations, and may proceed to render a decision in the responding member's absence at that meeting.

7. Impartial Body. The meeting to address the allegations in the Notice Under Subsection 3(e) shall be conducted in an impartial manner by the Commission. The Chairperson shall preside over the matter. General Counsel may assist and advise the Commission during the meeting but shall not have any authority or power to render or vote upon a decision. The Commission will not be bound by any recommendation of General Counsel but may take it into account when rendering a decision.
8. Conduct of Meeting to Address the Notice Under Subsection 3(e). During the meeting at which the Notice is addressed, the individual member that submitted the written Notice to the Secretary of the Commission shall have an opportunity to present the grounds on which the responding member's office should be declared vacant under Section 6(3)(e) of Article 4 of Michigan's 1963 Constitution. After the allegations have been presented, the responding member, if present, shall have the opportunity to address the allegations contained in the Notice. Individual Commissioners may ask questions of the responding member, if present, through the Chairperson. The responding member may ask questions of the individual member that submitted the Notice Under Subsection 3(e), through the Chairperson. The meeting to address the Notice is not a quasi-judicial proceeding therefore the Michigan Rules of Court of 1985 and the Michigan Rules of Evidence are inapplicable.
9. Decision by the Commission. After discussion at the meeting and in consideration of the written materials filed in regard to the Notice Under Subsection 3(e), the Commission shall take action on such Notice. A vote of 10 of the Commissioners is required to find substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office constituting a vacancy in office. If the vote carries, the vacancy shall be effective immediately and, as a self-governing body, not subject to any appeal.

**Section 3.5. Replacement.** In the event a member's seat becomes vacant for any reason set forth in Section 3.4 of these rules, the secretary of state shall fill the vacancy pursuant to the process set forth in article IV, section 6, subsection 2-3 of the Constitution by randomly drawing a name from the remaining qualifying applicants in the selection pool from which the original member was selected.

**Section 3.6: Duties of Members.** Each member shall perform his or her duties in a manner that is impartial and reinforces public confidence in the integrity of the redistricting process.

**Section 3.7: Voting Rights of Members.** In any matter in which voting by members is called for, each member shall be entitled to cast one (1) vote unless a member may abstain as set forth in Section 9.1 of these rules. Proxy voting is prohibited.

**Section 3.8: Conflict of Interest.** A member who has a conflict between a personal interest and the public interest as defined by Michigan law, including article IV, section 10 of the Constitution and Public Act 318 of 1968; being MCL 15.301 *et seq.*, shall fully disclose to the Commission the nature of the conflict. Where a member has a substantial financial interest in any contract with the Commission or in the sale of any land, materials, supplies or services to the Commission or to a

contractor supplying the Commission, the member shall make known that interest and shall refrain from voting upon ~~or otherwise participating that matter. A member shall not participate in the discussion, deliberation or vote upon any matter if a conflict exists.~~ The Commission shall adopt a policy regarding disclosure of conflicts of interest.

**Section 3.9: Compensation.** Commissioners shall be compensated for their service on the Commission at least equal to twenty-five (25) percent of the governor's salary.

**Section 3.10: Limitation on Elected Partisan Office of Members.** For five (5) years after the date of appointment to the Commission, a member is ineligible to hold a partisan elective office at the state, county, city, village, or township level in the State of Michigan.

**Section 3.11: Orientation and Training.** Members shall receive orientation, continuing education and training on the purposes and activities of the Commission. Information may be presented in a manner most convenient or useful to the Commission including the use of interactive or subject-matter expert presentations.

- A. Orientation shall be coordinated by the Secretary to the Commission and provided at the first meeting of a newly convened Commission. New members shall receive orientation training after they have been selected to fill a vacancy on an established Commission.
- B. Continuing education and training shall be provided at regular intervals for all members on topics decided by the Commission upon the recommendation of its individual members, Commission staff, or staff from MDOS.
- C. Officer training shall be available to the Chairperson and Vice-Chairperson.

#### **4.0 GENERAL RULES**

**Section 4.1: Quorum.** A quorum must be present for the conduct of business at Commission meetings. The quorum shall consist of nine (9) members, including at least one (1) member affiliating with each of the major parties and one (1) non-affiliating member.

**Section 4.2: Minutes.** Minutes of all meetings including votes on all official actions taken at those meetings shall be kept by the Secretary to the Commission. All decisions of the Commission shall be recorded, and the record of its decisions shall be readily available to any member of the public as required by law and shall be provided without charge.

**Section 4.3: Journal of Proceedings.** An account of all proceedings and the public record of the Commission shall be kept by the Secretary to the Commission and shall constitute the official record of the Commission.

**Section 4.4: Right of Floor.** Any member desiring to speak shall be recognized by the Chairperson, and shall confine his or her remarks to one subject under consideration or to be considered.

**Section 4.5: Executive Director.** The Executive Director of the Commission shall attend all meetings of the Commission unless excused. The Executive Director may make recommendations

to the Commission and shall have the right to take part in all public discussions of the Commission, but shall have no vote.

**Section 4.6: General Counsel.** The General Counsel of the Commission shall attend all meetings of the Commission unless excused. The General Counsel shall, upon request give an opinion, either written or oral, on questions of law. The General Counsel may make recommendations to the Commission and shall have the right to take part in all public discussions of the Commission, but shall have no vote. General Counsel shall act as parliamentarian of the Commission and serve as its designated FOIA Coordinator in lieu of the Executive Director.

**Section 4.7: Communications and Outreach Director.** The Communications and Outreach Director of the Commission shall attend all meetings of the Commission unless excused. The Communications and Outreach Director may make recommendations to the Commission and shall have the right to take part in all public discussions of the Commission, but shall have no vote.

**Section 4.8: Restrictions on Communications with the Public.** The Commission, its individual members, staff, attorneys, and consultants shall not discuss redistricting matters with members of the public outside of an open meeting of the commission.

**Section 4.8.1: Exception:** An individual member may communicate about redistricting matters with members of the public to gain information relevant to the performance of his or her duties if such communication occurs (a) in writing or (b) at a previously publicly noticed forum or town hall open to the general public.

**Section 4.9: Prohibitions on Gifts and Gratuities.** The Commission, its individual members, staff, attorneys, experts, and consultants may not directly or indirectly solicit or accept any gift or loan of money, goods, services, or other thing of value greater than \$20 for the benefit of any person or organization, which may influence the manner in which the individual commissioner, staff, attorney, expert, or consultant performs his or her duties.

**Section 4.10: Rules of Order.** Commission meetings shall be conducted according to the current edition of Roberts Rules of Order, Newly Revised, subject to any procedures to the contrary set forth in these rules, applicable law, or such other rules adopted by the Commission, which shall take precedence over Roberts Rules.

**Rule 4.10.1: Motion to Discuss.** This motion shall be utilized solely to receive information or discuss a topic or issue before the Commission. The maker of the motion shall specify such topic or issue when the motion is made. The proposal for action of this motion is whether to discuss the specified topic or issue. A second is required. If adopted, the topic or issue shall be discussed by the Commission. A separate main motion is required to take any further action on that topic or issue.

**Rule 4.10.2: Motion to Amend; Secondary Amendments; No Tertiary Amendments; Clear the Floor.** These motions change the wording of the main motion before it is voted upon. Amendments must be germane to the main motion (i.e., it must in some way involve the same question that is raised by the motion to which it is applied). Its acceptance does

not adopt the motion thereby amended; that motion remains pending in its modified form. Rejection of an amendment leaves the pending motion worded as it was before the amendment was offered. An amendment can insert and/or strike words, phrases, sentences or paragraphs. Amendments that have the effect, if adopted, of being a “no” vote on the main motion are improper and out of order. The Chairperson shall rule out of order any proposed motion to amend that is not germane or that, if adopted, would constitute a “no” vote on the main motion.

A. A motion to amend a main motion, called a “primary amendment,” shall take precedence over the main motion. Any member may move to amend a main motion so long as they have the floor. A second is required.

B. A motion to amend an amendment to a main motion is called a “secondary amendment” and shall take precedence over a main motion or primary amendment. A secondary amendment also requires a second. A secondary amendment cannot be amended (i.e., amendments of the third order called a “tertiary amendment” are not permitted). Only one primary and one secondary amendment are permitted at a time, but any number of each can be offered in succession so long as they do not raise questions already decided.

C. Motion to Clear the Floor. This motion shall be made by the Chairperson or a member recognized by the Chair at any time procedural matters have become sufficiently confused. If the motion to clear the floor has been adopted, it shall clear the floor of all pending motions and amendments thereto as if they have been withdrawn. A second is required. The motion shall not be subject to debate nor, if adopted, to reconsideration. Similar to withdrawal of a motion prior to a vote under Rule 4.10.4, the text of the motion to clear the floor as well as the pending motions and amendments thereto to which it applies shall not be captured in the minutes. After this motion has been adopted, the situation is as though the motion(s) had never been made; therefore, the same motion(s) can be made again at the same or any subsequent meeting.

**Rule 4.10.3: Motion to Suspend the Rules.** Used to make a rule, policy or procedure of the Commission temporarily inoperative for the meeting at which the motion is adopted. A second is required. Except for those rules derived from the constitution or state law or where specifically prohibited in the rule, policy or procedure, the Commission may adopt a motion to suspend its rules, policies or procedures, in whole or in part, by two-thirds vote of members present.

**Rule 4.10.4: Request for Permission (or Leave) to Withdraw or Modify a Motion.** Any motion that has been made and seconded but where voting has not begun may be withdrawn, even if the motion has been amended. Generally, a request to withdraw a motion occurs after some discussion and it is realized that it may be phrased incorrectly, the timing of raising the issue is improper (i.e., premature to address that issue) or the issue is too contentious or divisive. Depending on the timing of such request for withdrawal or modification, the following shall apply:

A. Leave to Withdraw or Modify a Motion Prior to It Being Stated by the Chair. Before a motion has been restated by the Chair it belongs to the maker of the motion, not the Commission.

1. In the brief interval between the making of a motion and it being stated by the Chair to open discussion, the maker may withdraw it or modify it without asking consent of anyone.
2. In the same brief interval, another member may request the maker to withdraw or accept a change to the motion. If the mover agrees the Chair states that the motion has been withdrawn or so modified. The member who provided the second for the original motion may withdraw their support if the original motion is modified in this manner. If this occurs, the member who suggested the modification serves as the second for the modified motion.

B. Permission to Withdraw or Modify a Motion Subsequent to It Being Stated by the Chair. After a motion has been stated by the Chair (i.e., that the motion was moved and seconded, allowing for discussion to begin), that motion belongs to the Commission, not the maker. This requires the Commission's permission for the motion to be withdrawn or modified.

1. To modify a motion after it has been stated by the Chair, the maker or any member may offer a motion to amend under Rule 4.10.2.
2. After a motion has been stated by the Chair, the maker of the original motion must request permission to withdraw a motion using the following procedures:
  - a. The request to withdraw the motion is first treated as a unanimous consent request by the Chairperson. The question from the maker of the motion shall be, "I move that I be allowed to withdraw the motion." A second is required. The Chairperson asks "is there any objection to withdrawing the motion?" If there is no objection, the Chairperson states, "Hearing no objection, the motion is withdrawn."
  - b. If there is an objection, the Chairperson can put the request before the Commission for consideration or any member can move that "permission to withdraw the motion be granted." If the member making the motion to grant permission to withdraw was not the original maker of the motion being withdrawn, a second is not required as both the maker of the motion to grant permission and the original maker of the motion are both in support of the motion to withdraw.
  - c. If a motion is withdrawn the Commission proceeds with the next order of business. Any motions that adhere to the motion that was withdrawn are also disposed of and are no longer pending before the Commission. The text of the motion to withdraw as well as the pending motions and amendments thereto to which it applies shall not be captured in the minutes. After this motion has been adopted, the situation is as though the motion(s) had never been made; therefore, the same motion(s) can be made again at the same or any subsequent meeting.

**Rule 4.10.5: Utilization of Consensus Discussion During Draft Mapping.** The Commission may utilize consensus to develop mutually acceptable solutions. Consensus is a deliberative process involving a good-faith effort to reach an outcome through discussion and collaboration. It helps establish a common understanding and framework for developing solutions. Stated another way, it seeks to transform adversarial interactions into a cooperative search for data and common ground. Consensus is reached whenever the Commission, as a body, is satisfied with the draft proposals after every effort has been made to get as close as possible to agreement.

A. Utilization of Consensus. The Commission may utilize consensus discussion to draw proposed draft maps and discuss alternate draft maps. This will likely lead to one or more versions of draft maps. The Commission may utilize consensus discussion throughout the map drafting process. Draft proposed maps will be formally acted upon via motion prior to the second round of public hearings for identification of maps for publication of proposed maps and consideration by the public. Proposed maps will be formally acted upon via motion for identification of maps for publication for public comment during the 45-day period of public comment, and the subsequent vote to adopt final maps as set forth in article IV, section 6 of the 1963 Michigan Constitution.

B. Consensus Process. The Chairperson or Vice-Chairperson shall facilitate the discussion. Consensus discussion invites widespread participation to increase the quality of proposed solutions. Individual members shall be recognized by the Chairperson or Vice-Chairperson prior to contributing. The goal is to build collaborative Commission maps through such discussion, identify options, discuss rationale and achieve consensus to move forward in the mapping process. Consensus discussion and the draft maps that are produced from it do not abrogate the ability of an individual member to propose redistricting plans as set forth in article IV, section 6 of the 1963 Michigan Constitution as follows:

1. Each member may only propose one redistricting plan for each type of district under Subsection 9.
2. Each member may submit one proposed plan for each type of district to the full Commission for consideration under Subsection 14(c)(i).

C. Formal Votes Required. While consensus may be utilized during the map drafting process, formal votes shall be taken to select draft maps for publication as draft proposed maps prior to the second round of public hearings; adopting proposed maps for publication triggering the 45-day public comment period; and the final vote to adopt final maps after the 45-day public comment period has expired.

## **5.0 COMPLIANCE WITH OPEN MEETINGS ACT**

**Section 5.1: Open Meetings.** The Commission shall conduct meetings under these rules in accordance with the Open Meetings Act.

**Section 5.2: Location and Notice.** Meetings and public hearings shall be conducted at a place and time designated by the Commission, in accordance with applicable law. Advance public notice of Commission meetings and public hearings shall be provided as required by law. Public notice shall be given as provided in the Open Meetings Act. The Secretary to the Commission is designated as the person to give public notice.

**Section 5.3: Rescheduling of Meetings.** If any meeting or public hearing of the Commission must be rescheduled, this change shall be posted at least eighteen (18) hours before the rescheduled meeting.

## **6.0 MEETINGS**

### **Section 6.1: Mandated Public Hearings.**

**Section 6.1.1:** Prior to the drafting of any redistricting plan by a member, a quorum of the Commission shall hold a minimum of ten (10) public hearings throughout the state to:

- A. Inform the public about the redistricting process, the purpose and responsibilities of the Commission; and
- B. Solicit information and input from the public about potential redistricting plans.

**Section 6.1.2:** After developing at least one proposed redistricting plan for each type of district, the Commission shall publish the proposed redistricting plans and any data and supporting materials used to develop the plans. Each member may only propose one redistricting plan for each type of district: state senate districts, state house of representative districts, and U.S. congressional districts. A quorum of the Commission shall hold a minimum of five (5) public hearings throughout the state for the purpose of soliciting comment from the public about the proposed plans.

**Section 6.2: Meetings.** Official actions shall be taken only at a meeting which complies with the Open Meetings Act and is conducted in accordance with these rules. The Commission shall conduct meetings as follows:

**Section 6.2.1: First Regular Meeting of Year.** At the first Regular Meeting of the year, the Commission shall announce its schedule of dates and times for remaining regular meetings for the calendar year and shall post public notice of the schedule within ten days. Public notice of the first Regular Meeting shall be given in the same manner as a Special Meeting under the Open Meetings Act.

**Section 6.2.2: Regular Meetings.** The Commission shall meet in regular session as set forth in the schedule of meetings adopted under Section 6.2.1. In compliance with Section 5(2) of the Open Meetings Act, the Commission shall establish a cadence for regular meetings, which shall be held no less frequently than one meeting per month unless otherwise determined by affirmative vote of a quorum of its members.

**Section 6.2.3: Rescheduled Regular Meetings.** The Commission may announce revisions to the schedule of regular meetings at any prior meeting or may post revisions to the schedule on the Commission's website that is fully accessible to the public. A Rescheduled Regular Meeting shall substitute for the originally scheduled Regular Meeting for purposes of these rules, and all official actions taken shall have the same force and effect as those taken at a Regular Meeting.

**Section 6.2.4: Special Meetings.** Special Meetings of the Commission may be scheduled by majority vote of the Commission during a meeting or may be called by the Chairperson, Vice-Chairperson or the Executive Director with not less than an eighteen (18) hour notice. The location of a special meeting shall be a place and time designated in the special meeting notice. All official actions taken at a Special Meeting shall have the same force and effect as those taken at a Regular Meeting of the Commission.

**Section 6.2.5: Closed Sessions.** The Commission may go into closed session only for certain specified exceptions as set forth in Section 8 of the Open Meetings Act being MCL 15.268. Upon written request of a staff person, or the advice or request of General Counsel or any Commissioner that an agenda item falls under one of the exceptions to the Open Meetings Act (MCL 15.268 (a) through (h)), the Chairperson shall ask the Secretary to call for a roll call vote to go into closed session. Upon a two-thirds affirmative roll call of members serving, the portion of the meeting subject to the exception enumerated in the Open Meetings Act shall be closed to the public. The Chair shall state the following information for the record: the result of the roll call vote, the date and time of the closed session, the permissible purpose(s) under Section 8 of the OMA and the reason(s) for calling the closed session. The foregoing information shall be entered into the minutes of the meeting at which the vote is taken and be part of the official record.

**Section 6.2.6: Emergency Meetings.** If severe and imminent threat to the health, safety, or welfare of the public exists and a quorum of nine (9) members to include at least one member affiliating with each of the major parties and one non-affiliating member, determine that a delay in Commission action would be detrimental to efforts to lessen or respond to that threat, the Commission may meet in an Emergency Session without giving public notice of that session as provided in the Open Meetings Act.

**Section 6.3: Recessed Meetings.** Any meeting of the Commission may be recessed to a later date and time, provided that no adjournment shall be for a longer period than until the next scheduled meeting. Any meeting that is recessed for more than thirty-six (36) hours shall be reconvened only after public notice has been posted at least eighteen (18) hours before the meeting.

## **7.0 OFFICERS**

**Section 7.1: Officers.** The officers of the Commission shall be the Chairperson and Vice-Chairperson. The secretary of state shall serve as the non-voting Secretary to the Commission.

**Section 7.2: Nominations and Election.** The Commission shall nominate and elect from within

its membership a Chairperson and a Vice-Chairperson.

**Section 7.3: Tenure.** The Chairperson and Vice-Chairperson shall take office immediately following their election and shall hold office for a term of six (6) months, or until their successors are elected and assume office. In the event the office of the Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term and the Commission shall elect a successor to the office of Vice-Chairperson for the unexpired term. A Commissioner may be nominated and elected for the same office for two or more consecutive terms.

**Section 7.4: Duties.**

**Section 7.4.1: Chairperson.** The Chairperson shall:

- A. Call to order and preside at all meetings, when present and able to preside. The Chairperson shall be physically present at a meeting to preside;
- B. Preserve order and decorum and may speak to points of order in preference to other members. The Chairperson will decide all questions arising under this parliamentary authority, subject to appeal and reversal by a majority of the members present;
- C. Enforce these rules of procedure;
- D. Perform any other administrative or agenda duties as directed by the Commission;
- E. Have all the same rights as other members with respect to procedural matters, debate and voting except that the Chairperson shall not vote on the appeal of a parliamentary ruling by the Chairperson; and
- F. In the event of absence or disability of both the Chairperson and Vice-Chairperson during a meeting, the Chairperson may designate another of its members to serve as Acting Chair during such absence or disability. If neither the Chairperson or Vice-Chairperson are present to call a meeting to order, the meeting shall be called to order by the Secretary to the Commission who shall conduct the election of an Acting Chair for that meeting by majority vote of members present.

**Section 7.4.2: Vice-Chairperson.** The Vice-Chairperson shall perform the duties of the Chairperson when the Chairperson is unavailable, except as otherwise provided by law. The Vice-Chairperson shall act in the capacity of the Chairperson in the Chairperson's absence or inability to preside if present. In the event of absence or disability of both the Chairperson and Vice-Chairperson during a meeting, the Vice-Chairperson may designate another of its members to serve as Acting Chair during such absence or disability. The Vice-Chairperson shall help facilitate group discussion on items before the Commission.

**Section 7.4.3: Secretary.** The secretary of state shall be Secretary to the Commission without vote, and in that capacity shall keep the official record of all proceedings of the Commission and furnish, under the direction of the Commission, all technical services that the Commission deems necessary. The duties of the Secretary shall also include:

- A. Facilitating the process for the selection of commissioners pursuant to article IV, section 6, subsection 2 of the Constitution.
- B. Issuing a call convening the Commission by October 15 in the year of the federal decennial census.
- C. Randomly selecting a replacement commissioner pursuant to Section 3.5 of these rules.
- D. If necessary, randomly select a final plan under the protocols set forth in article IV, section 6, subsection 14(c)(iii) of the Constitution.
- E. Publishing the redistricting plan for each type of district adopted under the protocols set forth in article IV, section 6, subsection 14 of the Constitution within thirty (30) days of the adoption of the plan. This publication shall include the plan and the material reports, reference materials, and data used in drawing it, including any programming information used to produce and test the plan. The published materials shall be such that an independent person is able to replicate the conclusion without any modification of any of the published materials.
- F. Maintaining a public record of all proceedings of the Commission and shall publish and distribute each plan and required documentation. An adopted redistricting plan shall become law sixty (60) days after its publication.
- G. Taking and maintaining minutes of all Commission meetings including votes on all official actions taken at those meetings. All decisions of the Commission shall be recorded, and the record of its decisions shall be readily available to any member of the public as required by law and shall be provided without charge.

## **8.0 ORDER OF BUSINESS AND AGENDA**

**Section 8.1. Agenda.** The Commission may post a proposed agenda prior to or during a meeting. A written agenda for all members shall be prepared and followed.

**Section 8.1.1: Agenda Preparation.** The Executive Director shall prepare the proposed agenda. The agenda shall be prepared in consideration of items received from members for inclusion on an agenda. The agenda shall include a recess which will be inserted in appropriate place(s) on the agenda based on the length of the meeting and number of line items to be addressed. The following format shall be utilized for the Order of Business:

- I. Call to Order. The Chairperson shall call a meeting to order.
- II. Roll Call. The Secretary shall call the roll and declare whether there is a quorum.
- III. Adoption of the Agenda. The Commission may amend and shall adopt an agenda by majority vote of members present. Items may be added or deleted by amendment.

- IV. ~~Review and Approval of Minutes. At a regular meeting, the minutes of the previous regular and any other prior meeting since the last regular meeting shall be corrected, if necessary, and approved by the Commission.~~ Presentations. Commissioners or staff provide presentations, if any, regarding the Commission for the benefit of the public.
- V. Public Comment. The public shall be invited to provide comment pursuant to Section 12.0 of these rules.
- VI. ~~Correspondence. The Executive Director shall report correspondence received. The Commission may direct staff to take action on an item of correspondence or receive and file an item of correspondence in the Commission's record.~~ Unfinished Business. Items of Commission business or issues from a previous meeting that were tabled postponed, were not addressed, or otherwise left unresolved. No member shall be permitted to speak a second time on the same issue until other members wishing to make a comment on the subject have had an opportunity to do so.
- VII. ~~Executive Director Report. The Executive Director shall provide a status report and respond to questions from the Commission.~~ New Business: Items of Commission business or issues that are new to the Commission, designated as new business at a prior meeting or an item that was defeated at a prior meeting. No member shall be permitted to speak a second time on the same issue until other members wishing to make a comment on the subject have had an opportunity to do so.
- a. Upcoming Meeting Agenda Topics and Continuing Education. The Executive Director shall provide an update and respond to questions from the Commission.
- VIII. ~~General Counsel Report. The General Counsel shall provide a status report and respond to questions from the Commission.~~ Review and Approval of Minutes. At a regular meeting, the available minutes of the previous regular and any other prior meeting since the last regular meeting, including committee meetings, shall be corrected, if necessary, and approved by the Commission.
- IX. ~~Communications and Outreach Director Report. The Communications and Outreach Director shall provide a status report and respond to questions from the Commission.~~ Executive Director Report. The Executive Director shall provide a status report and respond to questions from the Commission.
- X. ~~MDOS Updates. MDOS representatives may provide a status report and respond to questions from the Commission.~~ General Counsel Report. The

General Counsel shall provide a status report and respond to questions from the Commission.

- XI. ~~Unfinished Business. Items of Commission business or issues from a previous meeting that were tabled, or left unresolved.~~ Communications and Outreach Director Report. The Communications and Outreach Director shall provide a status report and respond to questions from the Commission.
- XII. ~~Break~~ MDOS Updates. MDOS representatives may provide a status report and respond to questions from the Commission.
- XIII. Correspondence. The Executive Director shall report correspondence received. The Commission may direct staff to take action on an item of correspondence or receive and file an item of correspondence in the Commission's record. ~~New Business: Items of Commission business or issues that are new to the Commission, designated as new business at a prior meeting or an item that was defeated at a prior meeting.~~
  - a. ~~Upcoming Meeting Agenda Topics and Continuing Education. The Executive Director shall provide an update and respond to questions from the Commission.~~
- XIV. Announcements. Opportunity for individual members or staff to make comment or an announcement regarding upcoming activities relating to the Commission's work.
- XV. Adjourn. When the items on the agenda are completed and the Commission has no further business, a motion to adjourn is in order.

A written agenda for special meetings shall be prepared and followed, however the form as enumerated above shall not be necessary.

**Section 8.2: Agenda Packet.** The agenda package shall be forwarded via electronic mail transmission to each member ~~as soon as practicable~~ at least 24-hours prior to the start of the meeting. The package shall contain the proposed agenda and sufficient information and reports so that members may have a basic working knowledge of each item appearing on the agenda.

**Section 8.3: Amendments to the Agenda.** The agenda may be amended at the Commission meeting by action of the Commission.

## 9.0 VOTING

**Section 9.1: Duty to Vote.** Appointment to a deliberative body carries with it the obligation to vote. Members present at a meeting shall vote on every matter before the Commission, unless otherwise excused or prohibited from voting as follows:

- A. A member may abstain from voting if he or she:
  - a. Has a conflict of interest, as set forth in Section 3.8 of these rules or as defined by law. An individual member shall disclose the presence of a conflict of interest or raise a potential conflict of interest when the agenda item is called, prior to the start of discussion or deliberation. Should a conflict of interest become clear during the discussion, the member shall raise the existence of an actual or potential conflict at that time. An individual member may seek the opinion of the General Counsel whether a conflict exists, however this opinion shall not be binding on the Commission. The Commission shall decide, by majority vote of members present, whether a conflict of interest exists. A vote may be ~~tabled~~postponed, if necessary, to obtain the opinion of the General Counsel. No member shall vote on any question concerning their own conduct. A member with a conflict of interest is prohibited from participating in any discussion, debate or decision on that issue; or
  - b. Lacks sufficient information about the issue to be decided. If a member abstains, he or she shall state for the record their intention to abstain and the reason(s) for doing so prior to the vote. The abstaining member shall not be restricted or prohibited from participating in any discussion or debate on the issue.
- B. If any member abstains from voting, a roll call vote shall be required on that issue. The reason(s) for the abstention shall be entered into the minutes of the meeting at which the vote is taken and be part of the official record.
- C. The right to vote is limited to the members present at the time the vote is taken. Voting by proxy is prohibited.
- D. All votes must be held and determined in public; secret ballots are prohibited.
- E. Prior to calling for a vote, the Chairperson shall state the question being voted upon or request that staff or the Secretary restate the question.

**Section 9.2: Manner of Voting.** Except as otherwise provided in these rules or by law, voting shall be by unanimous consent, voice vote, roll call or show of hands unless a written ballot is requested. A written ballot shall state the member's name and each ballot shall be read aloud. The result of the vote by written ballot shall be announced, be entered into the minutes of the meeting at which the vote is taken and the ballots shall be a part of the official record. Secret ballots are prohibited. Roll call votes shall be taken when required in these rules or by law, at the request of any member, or when the Chairperson cannot determine the results of a voice vote. The Secretary shall rotate the order of names called during a roll call vote.

**Section 9.3: Voting.** Except as otherwise provided in these rules or by law, voting shall be approved by a majority of the Commissioners entitled to vote as follows:

- A. A final decision of the Commission requires the concurrence of a majority of members.

- B. A decision on the dismissal or retention of paid staff or consultants requires the vote of at least one (1) member affiliating with each of the major parties and one (1) non-affiliating member.
- C. A final decision of the Commission to adopt a redistricting plan requires a majority vote of the Commission, including at least two (2) members who affiliate with each major party, and at least two (2) members who do not affiliate with either major party. If no redistricting plan satisfies this requirement for a type of district, the Commission shall use the following procedure to adopt a plan for that type of district:
  - a. Each member may submit one proposed plan for each type of district to the full Commission for consideration.
  - b. Each member shall rank the plans submitted according to preference. Each plan shall be assigned a point value inverse to its ranking among the number of choices, giving the lowest ranked plan one point and the highest ranked plan a point value equal to the number of plans submitted.
  - c. The Commission shall adopt the plan receiving the highest total points, that is also ranked among the top half of plans by at least two (2) members not affiliated with the party of the commissioner submitting the plan, or in the case of a plan submitted by non-affiliated commissioners, is ranked among the top half of plans by at least two (2) commissioners affiliated with a major party. If plans are tied for the highest point total, the secretary of state shall randomly select the final plan from those plans. If no plan meets the requirements of this subparagraph, the secretary of state shall randomly select the final plan from among all submitted plans pursuant to subpart (a) above.

**Section 9.4: Results of Voting.**

- A. In all cases where a vote is taken, the Chairperson or the Secretary shall declare the result.
- B. It will be in order for any member voting in the majority to move for a reconsideration of the vote on any question at that meeting or at the next succeeding meeting of the Commission provided that no action has been taken as a result of the previous vote. When a motion to reconsider fails, it cannot be renewed.

**10.0 COMMITTEES**

**Section 10.1: Committee Formation.** The Commission may appoint and maintain standing or ad hoc committees as it deems appropriate.

**Section 10.2: Appointment and Authority.** The Commission shall appoint all committees and committee chairs. It shall be the function of committees to conduct studies and hearings, make recommendations to the Commission, and carry out such activities as may be delegated to them by the Commission. All Committees are subject to the Open Meetings Act.

**Section 10.3: Limitation of Authority.** No action by any committee, individual member, employee, or officer shall be binding upon, or constitute an expression of, the policy of the Commission until it has been approved or ratified by the Commission.

**Section 10.4: Discharge.** Committees shall be discharged by the Commission when their work has been completed and their reports accepted, or when, in the opinion of the Commission, it is deemed wise to discontinue the committee.

## **11.0 DECORUM AND CIVILITY**

**Section 11.1: Duty of the Chairperson.** It shall be the duty of the Chairperson to maintain order and decorum at meetings.

**Section 11.2: Addressing Members.** Members shall address each other through the Chairperson, or Vice-Chairperson when designated by the Chairperson, with respect and will not direct negative comments or gestures towards other members.

**Section 11.2.1: Exceptions.** A member may request to speak with the permission of the Chairperson, or Vice-Chairperson when designated by the Chairperson. Members shall not interrupt one another; however, point-of-information or fact may be allowed with the permission of the Chairperson.

**Section 11.3: Refrain from Outbursts.** To maintain the atmosphere of professionalism appropriate to Commission meetings, its members, staff, attorneys, and consultants will avoid public verbal, non-verbal or physical reactions while anyone is speaking regardless of whether the public reaction is in support of or in opposition to another member's point of view. This rule is directed at individual behavior and not intended to inhibit normal group responses such as laughter in response to a humorous statement.

**Section 11.4: Maintaining Respect for Members.** The Chairperson and Vice-Chairperson shall maintain impartiality and treat all members with the respect that is due the position of a Commission member. Members shall treat each other and the Chairperson and Vice-Chairperson with like respect.

**Section 11.5: Communication Devices During Commission Meetings.** Members who have indicated a necessity to have cell phones or other communication devices at the Commission table may be allowed to retrieve information for emergency purposes. Members shall excuse themselves from the table in order to return needed messages. All cell phones and other communication devices shall be set to vibrate or placed in silent mode during meetings.

## **12.0 PROCEDURES FOR PUBLIC PARTICIPATION**

**Section 12.1: Public Participation.** Meetings of the Commission are public meetings and individuals shall have a reasonable opportunity to be heard.

- A. The Commission shall conduct its meetings and public hearings in a manner that invites wide public participation throughout the state.

- B. The Commission shall use technology to provide contemporaneous public observation and meaningful public participation in the redistricting process during all meetings and public hearings.
- C. The Commission shall receive and consider written submissions of proposed redistricting plans and any supporting materials, including underlying data, from any member of the public. These written submissions are public records and shall be provided to the Commission.
- D. At the designated time provided in the agenda, the Chairperson may recognize and extend an opportunity to speak to any person desiring to address the Commission.
  - a. Public comment at a meeting of the Commission, as specified under Section 8.1.1 of these rules, the public shall be restricted to comment on agenda items only, with a two (2) minute time restriction. The Secretary shall keep time and advise when the two minutes has expired.
  - b. Public comment at a public hearing of the Commission, as specified under Section 6.1 of these rules, the public shall be restricted to comment on the specific public hearing items on the agenda only, with a two (2) minute time restriction. The Secretary shall keep time and advise when the two minutes has expired.
  - c. The Commission may act to suspend the time limits set forth in subparts a and b and set an alternate time limit for public comment.
  - d. ~~No member of the public shall be permitted to speak a second time on the same issue until all others wishing to make a public comment or presentation on the subject have had an opportunity to do so.~~
- E. The Chairperson may warn any person or curtail an opportunity to speak for failure to be germane, for vulgarity, for redundancy within their comment, for speaking in excess of the allotted time, for technical issues, or for failure to address remarks to the Commission.
- F. A person may be excluded from a meeting otherwise open to the public for a breach of the peace actually committed at the meeting. If any person disrupts the orderly progress of a meeting or refuses to comply with applicable Commission guidelines and rules, the Chairperson may rule that person out of order and/or order their removal from that meeting.

**Section 12.2: Addressing the Commission.** Members of the public desiring to address the Commission by oral communication shall first secure the permission of the Chairperson and be recognized before speaking. Guidance on participation will be provided in advance of the meeting in the meeting notice and provided verbally by the Chairperson, Secretary during the meeting.

**Section 12.3: Manner of Addressing the Commission.** Each person addressing the Commission shall approach the ~~lectern or~~ microphone, and may give his or her name in an audible tone of voice for the record. All remarks shall be directed to the Commission as a body, even when such comments note agreement or disagreement with an individual member. No person, other than members of the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Commission. All questions to the Commission or its individual members shall be directed through the Chairperson. If any person disrupts the orderly progress of a meeting or refuses to comply with applicable MICRC guidelines and rules, the Chairperson may rule that person out of order and/or order their removal from that meeting.

**Section 12.4: Personal and Slanderous Remarks.** Any person making personal, impertinent or slanderous remarks, or who shall become boisterous or disruptive, while addressing the Commission, may be requested to leave the ~~lectern~~microphone. An individual member may raise an objection to such remarks with the Chairperson. The Chairperson, independently or at the request of a member, may take action to address the remarks in question, which may include a warning, a clarification, a request for the person to leave the ~~lectern~~microphone or be ruled out of order. If any person becomes loud or unruly, the Chairperson may rule that person out of order and may forfeit that person's opportunity to speak further and that person shall immediately cease their remarks.

### **13.0 Public Access to Commission Records**

#### **Section 13.1: Commission Records.**

- A. The Secretary shall make the minutes and the record of decisions of Commission meetings readily available to any member of the public without charge. Commission minutes, prepared but not approved by the Commission, shall be available for public inspection not more than eight (8) business days following the meeting. Minutes approved by the Commission shall be available within five (5) business days after the date of the meeting in which the minutes were approved.
- B. All Commission records are available to the public for reading, copying and other purposes as governed by the Freedom of Information Act, except those specifically exempted under applicable laws including but not limited to FOIA or the OMA. The Executive Director delegates the responsibilities of the role of FOIA Coordinator to the General Counsel of the Commission. The Commission shall adopt a policy to respond to FOIA requests.
- C. To the extent practicable, the Secretary shall post meeting materials and records on the Commission's website for the public's convenience and to foster transparency in the redistricting process.

### **14.0 MISCELLANEOUS**

**Section 14.1: Suspension.** Except for those rules derived from the constitution or state law, the Commission may suspend its rules of procedure, in whole or in part, by majority vote of members present.

**Section 14.2: Amendments.** These rules may be amended, with prior notice of such amendment, by a majority vote of the members present at any regular or special meeting. The prior notice requirement may be satisfied by inclusion of the proposed amendment on the agenda included in the Agenda package at least three (3) days prior to the meeting. Every amendment must identify the specific existing or new sections of these rules that are subject to revision or inclusion by the amendment.

**Section 14.3: Severability.** These rules and all amendments hereto are subject to article IV, section 6 of the Constitution, the constitution and laws of the State of Michigan, and the constitution and

