

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

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Draft 2 of Proposed Amendments

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1 **1.0 NAME AND DEFINITIONS**

2
3 **Section 1.1: Name.** The official name of the Independent Citizens Redistricting Commission for
4 state legislative and congressional districts (the “Commission”) is the “State of Michigan
5 Independent Citizens Redistricting Commission.”

6
7 **Section 1.2: Definitions.** For the purpose of these rules, the following terms have the meaning
8 provided herein:

- 9
10 A. “Freedom of Information Act” or “FOIA” means Public Act 442 of 1976, being MCL
11 15.231 *et seq.*
- 12 B. “Major party” means one of the two political parties with the largest representation in
13 the state legislature.
- 14 C. “MDOS” means the Michigan Department of State being the Office of Secretary of
15 State.
- 16 D. “Meeting” means the convening of a public body at which a quorum is present for the
17 purpose of deliberating toward or rendering a decision on a public policy. Meetings
18 shall include public hearings where these conditions are met.
- 19 E. “Open Meetings Act” or “OMA” means Public Act 267 of 1976, as amended, being
20 MCL 15.261 *et seq.*
- 21 F. “Redistricting Matter” means any matter on the subject of determining or revising state
22 legislative and U.S. Congressional district boundaries, or the redistricting-related
23 activities of the Commission. This shall not include organizational, administrative or
24 operational work of the Commission not directly associated to the core activity of
25 redistricting.
- 26 G. “Types of Districts” means state senate districts, state house of representative districts,
27 and U.S. congressional districts.
- 28

29 **2.0 AUTHORITY AND PURPOSE**

30
31 **Section 2.1: Organization.** The Commission is a public body organized pursuant to the
32 Constitution of the State of Michigan (the current Constitution being ratified on June 20, 1963)
33 (the “Constitution”) by affirmative vote of the people of the State of Michigan at an election held
34 Tuesday, November 6, 2018, to propose certain revisions to the Constitution. The Commission
35 operates according to the constitution and laws of the State of Michigan, and subject to the
36 constitution and laws of the United States of America. The Commission is established as a
37 permanent commission in the legislative branch and shall be convened by October 15 in the year
38 of the federal decennial census.

39
40 **Section 2.2: Purpose.** The purpose of the Commission is:

- 41
42 A. Exercise the Constitutional powers granted to the Commission which are legislative
43 functions not subject to the control or approval of the legislature, and are exclusively
44 reserved to the Commission.

- 1 B. Operate in an impartial and transparent manner that reinforces public confidence in the
- 2 integrity of the redistricting process.
- 3 C. Conduct statewide public outreach and invite meaningful public participation in the
- 4 redistricting process.
- 5 D. Adopt a redistricting plan for each of the following types of districts: state senate
- 6 districts, state house of representative districts, and U.S. congressional districts no later
- 7 than November 1 in the year immediately following the federal decennial census.
- 8 E. Engage in the process of redrawing district boundaries to guarantee equal voter
- 9 representation through equal, or equivalent, population counts and other relevant
- 10 criteria set forth in applicable federal and state laws.
- 11 F. Ensure compliance with the redistricting criteria set forth in article IV, section 6,
- 12 subsection 13 of the Michigan Constitution being, in order of priority:
 - 13 a. Districts shall be of equal population as mandated by the United States
 - 14 constitution, and shall comply with the voting rights act and other federal laws.
 - 15 b. Districts shall be geographically contiguous. Island areas are considered to be
 - 16 contiguous by land to the county of which they are a part.
 - 17 c. Districts shall reflect the state's diverse population and communities of interest.
 - 18 Communities of interest may include, but shall not be limited to, populations
 - 19 that share cultural or historical characteristics or economic interests.
 - 20 Communities of interest do not include relationships with political parties,
 - 21 incumbents, or political candidates.
 - 22 d. Districts shall not provide a disproportionate advantage to any political party.
 - 23 A disproportionate advantage to a political party shall be determined using
 - 24 accepted measures of partisan fairness.
 - 25 e. Districts shall not favor or disfavor an incumbent elected official or a candidate.
 - 26 f. Districts shall reflect consideration of county, city, and township boundaries.
 - 27 g. Districts shall be reasonably compact.
- 28 G. Implement procedures to effectively manage and provide necessary public access to
- 29 data and reports generated by the Commission as well as those materials received by
- 30 the Commission from members of the public while at the same time ensuring the
- 31 integrity, availability, and accountability for such information.
- 32

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

- 36
- 37 A. The Commission has the sole authority, acting pursuant to the Constitution, to promulgate
- 38 and adopt a redistricting plan or plans for the State of Michigan.
- 39 B. The Commission has procurement and contracting authority.
- 40 C. The Commission may hire staff and consultants including legal representation.
- 41 D. The Commission shall receive from the Michigan legislature, beginning no later than
- 42 December 1 of the year preceding the federal decennial census, and continuing each year
- 43 in which the Commission operates, appropriation of funds sufficient to compensate the
- 44 individual members of the Commission and to enable the Commission to carry out its
- 45 functions, operations and activities, which activities include retaining independent,
- 46 nonpartisan subject-matter experts and legal counsel, conducting hearings, publishing

1 notices and maintaining a record of the Commission's proceedings, and any other activity
2 necessary for the Commission to conduct its business, at an amount equal to not less than
3 25 percent of the general fund/general purpose budget for the secretary of state for that
4 fiscal year.
5

6 **Section 2.4: Adoption of Rules of Procedure.** The Commission may determine its own rules and
7 order of business pursuant to the authority granted in article IV, section 6, subsection 4 of the
8 Constitution to facilitate the performance of its duties and the exercising of its Constitutional
9 powers. The following set of rules shall be in effect upon their adoption by the Commission and
10 until such time as they are amended or new rules are adopted in the manner set forth in Section
11 14.0 of these rules. None of the rules herein stated may supersede the constitution or laws of the
12 State of Michigan or the constitution and laws of the United States of America.
13

14 **3.0 MEMBERSHIP AND APPOINTMENT**

15

16 **Section 3.1: Membership.** The Commission shall be comprised of thirteen (13) members. Four
17 (4) members shall affiliate with the Democratic Party, four (4) members shall affiliate with the
18 Republican Party, and five (5) members shall not affiliate with either major party.
19

20 **Section 3.2: Eligibility.** A person is eligible to serve if they meet the criteria set forth in article IV
21 section 6, subsection 1 of the Constitution and:
22

- 23 A. Are registered and eligible to vote in the State of Michigan;
- 24 B. Not currently be or in the past 6 years from the date of selection as a member of the
25 Commission have been any of the following:
 - 26 a. A declared candidate for partisan federal, state, or local office;
 - 27 b. An elected official to partisan federal, state, or local office;
 - 28 c. An officer or member of the governing body of a national, state, or local political
29 party;
 - 30 d. A paid consultant or employee of a federal, state, or local elected official or political
31 candidate, of a federal, state, or local political candidate's campaign, or of a political
32 action committee;
 - 33 e. An employee of the legislature;
 - 34 f. Any person who is registered as a lobbyist agent with the Michigan bureau of
35 elections, or any employee of such person; or
 - 36 g. An unclassified state employee who is exempt from classification in state civil
37 service pursuant to article XI, section 5 of the Constitution, except for employees
38 of courts of record, employees of the state institutions of higher education, and
39 persons in the armed forces of the state;
- 40 C. Not be a parent, stepparent, child, stepchild, or spouse of any individual disqualified under
41 part (B) of this Section;
- 42 D. Not be otherwise disqualified for appointed or elected office by the Michigan Constitution;
43 or
- 44 E. Not be otherwise disqualified as set forth in Section 3.4 of these rules.
45

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

- 4
- 5 A. Once the Commission has completed its obligations for a census cycle; and
- 6 B. Any judicial review of the redistricting plan is complete.
- 7

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

- 11
- 12 A. Death or mental incapacity of the member where the member is unable to discharge the
13 powers and duties of his or her office;
- 14 B. The secretary of state's receipt of the member's written resignation. The resignation shall
15 be effective as of the date of the written resignation, no formal Commission action is
16 required to accept a resignation;
- 17 C. The member's disqualification for election or appointment or employment pursuant to
18 article XI, section 8 of the Constitution setting forth convictions for certain felonies,
19 eligibility for elective office or certain positions of public employment;
- 20 D. The member ceases to be qualified to serve as a commissioner under article IV, section 6,
21 subsection 1 of the Constitution or Section 3.2 of these rules; or
- 22 E. After written notice and an opportunity for the member to respond, a vote of ten (10) of the
23 members finding substantial neglect of duty, gross misconduct in office, or inability to
24 discharge the duties of office. The member subject to removal is not entitled to vote on
25 their removal. The following procedures shall be used to effectuate Section 6(3)(e) of
26 Article 4 of Michigan's 1963 Constitution:
 - 27 1. Notice and Allegations. Any member may submit a written *Notice Under*
28 *Subsection 3(e)* to the Secretary that states the grounds another member's office
29 should be declared vacant under Section 6(3)(e) of Article 4 of Michigan's 1963
30 Constitution.
 - 31 a. This written *Notice Under Subsection 3(e)* shall:
 - 32 i. be dated and signed; and
 - 33 ii. provide a detailed factual basis in support of the allegations against
34 another member of substantial neglect of duty, gross misconduct in
35 office, or inability to discharge the duties of office. The factual basis
36 shall include the specific facts and factual foundation on which the
37 *Notice Under Subsection 3(e)* is based. Supporting documentation, if
38 any, shall be included.
 - 39 2. Prohibition on Participation. The member subject to the allegations contained in
40 the *Notice Under Subsection 3(e)* may not participate in the resolution of the matter
41 by the Commission. The member may respond to the Notice and participate in this
42 process as a responding member to the *Notice Under Subsection 3(e)*. The
43 responding member may retain legal counsel at their own expense. If the vote to
44 declare the member's seat vacant fails, the member may be reimbursed for
45 reasonable attorney fees utilizing the lodestar method and the Michigan Rules of
46 Professional Conduct which include the relevant factors to figure into calculating

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1 the lodestar amount and whether any adjustments upward or downward are
2 appropriate.

3 3. Distribution and Scheduling. The Secretary shall:

4 a. Upon receipt, forward a copy of the *Notice Under Subsection 3(e)*, any
5 supporting documentation, and a copy of the current MICRC Rules of
6 Procedure via electronic transmission to the individual commissioner, being
7 the responding member, that is the subject of the *Notice Under Subsection*
8 *3(e)*.

9 b. Upon receipt, forward a copy of the *Notice Under Subsection 3(e)* and any
10 supporting documentation via electronic transmission to each member of
11 the Commission, excluding the responding member, and its General
12 Counsel.

13 c. Provide notice of the ~~specified regularly scheduled meeting or~~ designated
14 special meeting to address the *Notice Under Subsection 3(e)* within 30 days
15 but no earlier than 14 days of its receipt. The Commission shall set the date,
16 time, and place of such meeting designated to address the Notice by
17 majority vote.

18 d. Upon receipt, distribute to the responding member, each individual
19 Commissioner and General Counsel any documentation filed in response to
20 or in regard to the *Notice Under Subsection 3(e)*.

21 4. Response to *Notice Under Subsection 3(e)*. The responding member if he or she
22 chooses, may file with the Commission, through the Secretary, a written response
23 to the *Notice Under Subsection 3(e)* up to seven days prior to the date set for the
24 meeting at which it is to be addressed. Additional time to respond, if needed, may
25 be sought upon written request to the Commission and filed with the Secretary.
26 Additional time may be granted by majority vote of the Commission, ~~which shall~~
27 not be unreasonably withheld. The responding member may not participate in the
28 vote to grant additional time.

29 5. Meeting. The Commission shall address a *Notice Under Subsection 3(e)* at a
30 ~~specified regularly scheduled meeting or~~ designated special meeting. The
31 responding member shall be afforded an opportunity for a meeting to be held to
32 address the allegations in the *Notice Under Subsection 3(e)* and obtain reasonable
33 notice of that meeting as follows:

34 a. An opportunity to address the allegations in the *Notice Under Subsection*
35 *3(e)*, with the date, time and place of the meeting to be set by majority vote
36 of the Commission. The responding member may not participate in the vote
37 to set the date, time and place of the meeting.

38 b. The meeting shall be noticed by the Secretary in compliance with the Open
39 Meetings Act, Public Act 267 of 1976, as amended, being MCL 15.261 *et*
40 *seq.* and posted on the Commission website. The meeting notice shall be
41 forwarded directly to the responding member via electronic transmission.

42 c. The Commission shall have the authority to adjourn a matter for good cause
43 shown, provided there is no prejudice to the responding member or other
44 interested party. In no case shall the Commission's decision as to a *Notice*
45 *Under Subsection 3(e)* take place later than 60 days from the date such

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1 notice was filed with the Secretary unless a longer period is stipulated
2 between the Commission and the responding member.

3 6. Failure to Appear. If the responding member fails to appear at the meeting to
4 address the *Notice Under Subsection 3(e)* after distribution and posting of the
5 meeting notice, the Commission may, if no adjournment is granted, determine that
6 the responding member has waived the opportunity to participate in the meeting to
7 address the allegations, and may proceed to render a decision in the responding
8 member's absence at that meeting.

9 7. Impartial Body. The meeting to address the allegations in the *Notice Under*
10 *Subsection 3(e)* shall be conducted in an impartial manner by the Commission. The
11 Chairperson shall preside over the matter. General Counsel may assist and advise
12 the Commission during the meeting but shall not have any authority or power to
13 render or vote upon a decision. The Commission will not be bound by any
14 recommendation of General Counsel but may take it into account when rendering
15 a decision.

16 8. Conduct of Meeting to Address the *Notice Under Subsection 3(e)*. During the
17 meeting at which the Notice is addressed, the individual member that submitted the
18 written Notice to the Secretary of the Commission shall have an opportunity to
19 present the grounds on which the responding member's office should be declared
20 vacant under Section 6(3)(e) of Article 4 of Michigan's 1963 Constitution. After
21 the allegations have been presented, the responding member, if present, shall have
22 the opportunity to address the allegations contained in the Notice. Individual
23 Commissioners may ask questions of the responding member, if present, through
24 the Chairperson. The responding member may ask questions of the individual
25 member that submitted the *Notice Under Subsection 3(e)*, through the Chairperson.
26 The meeting to address the Notice is not a quasi-judicial proceeding therefore the
27 Michigan Rules of Court of 1985 and the Michigan Rules of Evidence are
28 inapplicable.

29 9. Decision by the Commission. After discussion at the meeting and in consideration
30 of the written materials filed in regard to the *Notice Under Subsection 3(e)*, the
31 Commission shall take formal action on such Notice. A vote of 10 of the
32 Commissioners is required to find substantial neglect of duty, gross misconduct in
33 office, or inability to discharge the duties of office constituting a vacancy in office.
34 If the vote carries, the vacancy shall be effective immediately and, as a self-
35 governing body, not subject to any appeal.

36
37 **Section 3.5. Replacement.** In the event a member's seat becomes vacant for any reason set forth
38 in Section 3.4 of these rules, the secretary of state shall fill the vacancy pursuant to the process set
39 forth in article IV, section 6, subsection 2-3 of the Constitution by randomly drawing a name from
40 the remaining qualifying applicants in the selection pool from which the original member was
41 selected.

42
43 **Section 3.6: Duties of Members.** Each member shall perform his or her duties in a manner that is
44 impartial and reinforces public confidence in the integrity of the redistricting process.
45

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

4
5 **Section 3.8: Conflict of Interest.** A member who has a conflict between a personal interest and
6 the public interest as defined by Michigan law, including article IV, section 10 of the Constitution
7 and Public Act 318 of 1968; being MCL 15.301 *et seq.*, shall fully disclose to the Commission the
8 nature of the conflict. Where a member has a substantial financial interest in any contract with the
9 Commission or in the sale of any land, materials, supplies or services to the Commission or to a
10 contractor supplying the Commission, the member shall make known that interest and shall refrain
11 from voting upon ~~or otherwise participating that matter. A member shall not participate in the~~
12 ~~discussion, deliberation or vote upon any matter if a conflict exists.~~ The Commission shall adopt
13 a policy regarding disclosure of conflicts of interest.

14
15 **Section 3.9: Compensation.** Commissioners shall be compensated for their service on the
16 Commission at least equal to twenty-five (25) percent of the governor's salary.

17
18 **Section 3.10: Limitation on Elected Partisan Office of Members.** For five (5) years after the
19 date of appointment to the Commission, a member is ineligible to hold a partisan elective office at
20 the state, county, city, village, or township level in the State of Michigan.

21
22 **Section 3.11: Orientation and Training.** Members shall receive orientation, continuing
23 education and training on the purposes and activities of the Commission. Information may be
24 presented in a manner most convenient or useful to the Commission including the use of interactive
25 or subject-matter expert presentations.

- 26
27 A. Orientation shall be coordinated by the Secretary to the Commission and provided at the
28 first meeting of a newly convened Commission. New members shall receive orientation
29 training after they have been selected to fill a vacancy on an established Commission.
30 B. Continuing education and training shall be provided at regular intervals for all members on
31 topics decided by the Commission upon the recommendation of its individual members,
32 Commission staff, or staff from MDOS.
33 C. Officer training shall be available to the Chairperson and Vice-Chairperson.

34
35 **4.0 GENERAL RULES**

36
37 **Section 4.1: Quorum.** A quorum must be present for the conduct of business at Commission
38 meetings. The quorum shall consist of nine (9) members, including at least one (1) member
39 affiliating with each of the major parties and one (1) non-affiliating member.

40
41 **Section 4.2: Minutes.** Minutes of all meetings including votes on all official actions taken at
42 those meetings shall be kept by the Secretary to the Commission. All decisions of the
43 Commission shall be recorded, and the record of its decisions shall be readily available to any
44 member of the public as required by law and shall be provided without charge.
45

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

4
5 **Section 4.4: Right of Floor.** Any member desiring to speak shall be recognized by the
6 Chairperson, and shall confine his or her remarks to one subject under consideration or to be
7 considered.

8
9 **Section 4.5: Executive Director.** The Executive Director of the Commission shall attend all
10 meetings of the Commission unless excused. The Executive Director may make recommendations
11 to the Commission and shall have the right to take part in all public discussions of the Commission,
12 but shall have no vote.

13
14 **Section 4.6: General Counsel.** The General Counsel of the Commission shall attend all meetings
15 of the Commission unless excused. The General Counsel shall, upon request give an opinion, either
16 written or oral, on questions of law. The General Counsel may make recommendations to the
17 Commission and shall have the right to take part in all public discussions of the Commission, but
18 shall have no vote. General Counsel shall act as parliamentarian of the Commission and serve as
19 its designated FOIA Coordinator in lieu of the Executive Director.

20
21 **Section 4.7: Communications and Outreach Director.** The Communications and Outreach
22 Director of the Commission shall attend all meetings of the Commission unless excused. The
23 Communications and Outreach Director may make recommendations to the Commission and shall
24 have the right to take part in all public discussions of the Commission, but shall have no vote.

25
26 **Section 4.8: Restrictions on Communications with the Public.** The Commission, its individual
27 members, staff, attorneys, and consultants shall not discuss redistricting matters with members of
28 the public outside of an open meeting of the commission.

29
30 **Section 4.8.1: Exception:** An individual member may communicate about redistricting
31 matters with members of the public to gain information relevant to the performance of his
32 or her duties if such communication occurs (a) in writing or (b) at a previously publicly
33 noticed forum or town hall open to the general public.

34
35 **Section 4.9: Prohibitions on Gifts and Gratuities.** The Commission, its individual members,
36 staff, attorneys, experts, and consultants may not directly or indirectly solicit or accept any gift or
37 loan of money, goods, services, or other thing of value greater than \$20 for the benefit of any
38 person or organization, which may influence the manner in which the individual commissioner,
39 staff, attorney, expert, or consultant performs his or her duties.

40
41 **Section 4.10: Rules of Order.** Commission meetings shall be conducted according to the current
42 edition of Roberts Rules of Order, Newly Revised, subject to any procedures to the contrary set
43 forth in these rules, applicable law, or such other rules adopted by the Commission, which shall
44 take precedence over Roberts Rules.

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

7
8 **Rule 4.10.2: Motion to Amend; Secondary Amendments; No Tertiary Amendments;**
9 **Clear the Floor.** These motions change the wording of the main motion before it is voted
10 upon. Amendments must be germane to the main motion (i.e., it must in some way involve
11 the same question that is raised by the motion to which it is applied). Its acceptance does
12 not adopt the motion thereby amended; that motion remains pending in its modified form.
13 Rejection of an amendment leaves the pending motion worded as it was before the
14 amendment was offered. An amendment can insert and/or strike words, phrases, sentences
15 or paragraphs. Amendments that have the effect, if adopted, of being a “no” vote on the
16 main motion are improper and out of order. The Chairperson shall rule out of order any
17 proposed motion to amend that is not germane or that, if adopted, would constitute a “no”
18 vote on the main motion.

19
20 A. A motion to amend a main motion, called a “primary amendment,” shall take
21 precedence over the main motion. Any member may move to amend a main motion
22 so long as they have the floor. A second is required.

23
24 B. A motion to amend an amendment to a main motion is called a “secondary
25 amendment” and shall take precedence over a main motion or primary amendment.
26 A secondary amendment also requires a second. A secondary amendment cannot
27 be amended (i.e., amendments of the third order called a “tertiary amendment” are
28 not permitted). Only one primary and one secondary amendment are permitted at
29 a time, but any number of each can be offered in succession so long as they do not
30 raise questions already decided.

31
32 C. Motion to Clear the Floor. This motion shall be made by the Chairperson or a
33 member recognized by the Chair at any time procedural matters have become
34 sufficiently confused. If the motion to clear the floor has been adopted, it shall
35 clear the floor of all pending motions and amendments thereto as if they have been
36 withdrawn. A second is required. The motion shall not be subject to debate nor, if
37 adopted, to reconsideration. Similar to withdrawal of a motion prior to a vote under
38 Rule 4.10.4, the text of the motion to clear the floor as well as the pending motions
39 and amendments thereto to which it applies shall not be captured in the minutes.
40 After this motion has been adopted, the situation is as though the motion(s) had
41 never been made; therefore, the same motion(s) can be made again at the same or
42 any subsequent meeting.

43
44 **Rule 4.10.3: Motion to Suspend the Rules.** Used to make a rule, policy or procedure of
45 the Commission temporarily inoperative for the meeting at which the motion is adopted.
46 A second is required. Except for those rules derived from the constitution or state law or

1 where specifically prohibited in the rule, policy or procedure, the Commission may adopt
2 a motion to suspend its rules, policies or procedures, in whole or in part, by two-thirds vote
3 of members present.

4
5 **Rule 4.10.4: Request for Permission (or Leave) to Withdraw or Modify a Motion.** Any
6 motion that has been made and seconded but where voting has not begun may be
7 withdrawn, even if the motion has been amended. Generally, a request to withdraw a
8 motion occurs after some discussion and it is realized that it may be phrased incorrectly,
9 the timing of raising the issue is improper (i.e., premature to address that issue) or the issue
10 is too contentious or divisive. Depending on the timing of such request for withdrawal or
11 modification, the following shall apply:

12
13 A. Leave to Withdraw or Modify a Motion Prior to It Being Stated by the Chair.
14 Before a motion has been restated by the Chair it belongs to the maker of the
15 motion, not the Commission.

16 1. In the brief interval between the making of a motion and it being stated by
17 the Chair to open discussion, the maker may withdraw it or modify it
18 without asking consent of anyone.

19 2. In the same brief interval, another member may request the maker to
20 withdraw or accept a change to the motion. If the mover agrees the Chair
21 states that the motion has been withdrawn or so modified. The member who
22 provided the second for the original motion may withdraw their support if
23 the original motion is modified in this manner. If this occurs, the member
24 who suggested the modification serves as the second for the modified
25 motion.

26
27 B. Permission to Withdraw or Modify a Motion Subsequent to It Being Stated by the
28 Chair. After a motion has been stated by the Chair (i.e., that the motion was moved
29 and seconded, allowing for discussion to begin), that motion belongs to the
30 Commission, not the maker. This requires the Commission's permission for the
31 motion to be withdrawn or modified.

32 1. To modify a motion after it has been stated by the Chair, the maker or any
33 member may offer a motion to amend under Rule 4.10.2.

34 2. After a motion has been stated by the Chair, the maker of the original motion
35 must request permission to withdraw a motion using the following
36 procedures:

37 a. The request to withdraw the motion is first treated as a unanimous
38 consent request by the Chairperson. The question from the maker of the
39 motion shall be, "I move that I be allowed to withdraw the motion." A
40 second is required. The Chairperson asks "is there any objection to
41 withdrawing the motion?" If there is no objection, the Chairperson
42 states, "Hearing no objection, the motion is withdrawn."

43 b. If there is an objection, the Chairperson can put the request before the
44 Commission for consideration or any member can move that
45 "permission to withdraw the motion be granted." If the member making
46 the motion to grant permission to withdraw was not the original maker

1 of the motion being withdrawn, a second is not required as both the
2 maker of the motion to grant permission and the original maker of the
3 motion are both in support of the motion to withdraw.

4 c. If a motion is withdrawn the Commission proceeds with the next order
5 of business. Any motions that adhere to the motion that was withdrawn
6 are also disposed of and are no longer pending before the Commission.
7 The text of the motion to withdraw as well as the pending motions and
8 amendments thereto to which it applies shall not be captured in the
9 minutes. After this motion has been adopted, the situation is as though
10 the motion(s) had never been made; therefore, the same motion(s) can
11 be made again at the same or any subsequent meeting.

12
13 **Rule 4.10.5: Utilization of Consensus Discussion During Draft Mapping.** The
14 Commission may utilize consensus to develop mutually acceptable solutions. Consensus
15 is a deliberative process involving a good-faith effort to reach an outcome through
16 discussion and collaboration. It helps establish a common understanding and framework
17 for developing solutions. Stated another way, it seeks to transform adversarial interactions
18 into a cooperative search for data and common ground. Consensus is reached whenever
19 the Commission, as a body, is satisfied with the draft proposals after every effort has been
20 made to get as close as possible to agreement.

21
22 A. Utilization of Consensus. The Commission may utilize consensus discussion to
23 draw proposed draft maps and discuss alternate draft maps. This will likely lead to
24 one or more versions of draft maps. The Commission may utilize consensus
25 discussion throughout the map drafting process. Draft proposed maps will be
26 formally acted upon via motion prior to the second round of public hearings for
27 identification of maps for publication of proposed maps and consideration by the
28 public. Proposed maps will be formally acted upon via motion for identification of
29 maps for publication for public comment during the 45-day period of public
30 comment, and the subsequent vote to adopt final maps as set forth in article IV,
31 section 6 of the 1963 Michigan Constitution.

32
33 B. Consensus Process. The Chairperson or Vice-Chairperson shall facilitate the
34 discussion. Consensus discussion invites widespread participation to increase the
35 quality of proposed solutions. Individual members shall be recognized by the
36 Chairperson or Vice-Chairperson prior to contributing. The goal is to build
37 collaborative Commission maps through such discussion, identify options, discuss
38 rationale and achieve consensus to move forward in the mapping process.
39 Consensus discussion and the draft maps that are produced from it do not abrogate
40 the ability of an individual member to propose redistricting plans as set forth in
41 article IV, section 6 of the 1963 Michigan Constitution as follows:

- 42 1. Each member may only propose one redistricting plan for each type of
43 district under Subsection 9.
 - 44 2. Each member may submit one proposed plan for each type of district to the
45 full Commission for consideration under Subsection 14(c)(i).
- 46

1 C. Formal Votes Required. While consensus may be utilized during the map drafting
2 process, formal votes shall be taken to select draft maps for publication as draft
3 proposed maps prior to the second round of public hearings; adopting proposed
4 maps for publication triggering the 45-day public comment period; and the final
5 vote to adopt final maps after the 45-day public comment period has expired.
6

7 **5.0 COMPLIANCE WITH OPEN MEETINGS ACT**
8

9 **Section 5.1: Open Meetings.** The Commission shall conduct meetings under these rules in
10 accordance with the Open Meetings Act.
11

12 **Section 5.2: Location and Notice.** Meetings and public hearings shall be conducted at a place
13 and time designated by the Commission, in accordance with applicable law. Advance public
14 notice of Commission meetings and public hearings shall be provided as required by law. Public
15 notice shall be given as provided in the Open Meetings Act. The Secretary to the Commission
16 is designated as the person to give public notice.
17

18 **Section 5.3: Rescheduling of Meetings.** If any meeting or public hearing of the Commission must
19 be rescheduled, this change shall be posted at least eighteen (18) hours before the rescheduled
20 meeting.
21

22 **6.0 MEETINGS**
23

24 **Section 6.1: Mandated Public Hearings.**
25

26 **Section 6.1.1:** Prior to the drafting of any redistricting plan by a member, a quorum of the
27 Commission shall hold a minimum of ten (10) public hearings throughout the state to:
28

- 29 A. Inform the public about the redistricting process, the purpose and responsibilities
30 of the Commission; and
31 B. Solicit information and input from the public about potential redistricting plans.
32

33 **Section 6.1.2:** After developing at least one proposed redistricting plan for each type of
34 district, the Commission shall publish the proposed redistricting plans and any data and
35 supporting materials used to develop the plans. Each member may only propose one
36 redistricting plan for each type of district: state senate districts, state house of representative
37 districts, and U.S. congressional districts. A quorum of the Commission shall hold a
38 minimum of five (5) public hearings throughout the state for the purpose of soliciting
39 comment from the public about the proposed plans.
40

41 **Section 6.2: Meetings.** Official actions shall be taken only at a meeting which complies with
42 the Open Meetings Act and is conducted in accordance with these rules. The Commission shall
43 conduct meetings as follows:
44

1 **Section 6.2.1: First Regular Meeting of Year.** At the first Regular Meeting of the
2 year, the Commission shall announce its schedule of dates and times for remaining
3 regular meetings for the calendar year and shall post public notice of the schedule
4 within ten days. Public notice of the first Regular Meeting shall be given in the same
5 manner as a Special Meeting under the Open Meetings Act.
6

7 **Section 6.2.2: Regular Meetings.** The Commission shall meet in regular session as set
8 forth in the schedule of meetings adopted under Section 6.2.1. In compliance with
9 Section 5(2) of the Open Meetings Act, the Commission shall establish a cadence for
10 regular meetings, which shall be held no less frequently than one meeting per month
11 unless otherwise determined by affirmative vote of a quorum of its members.
12

13 **Section 6.2.3: Rescheduled Regular Meetings.** The Commission may announce
14 revisions to the schedule of regular meetings at any prior meeting or may post revisions
15 to the schedule on the Commission's website that is fully accessible to the public. A
16 Rescheduled Regular Meeting shall substitute for the originally scheduled Regular
17 Meeting for purposes of these rules, and all official actions taken shall have the same
18 force and effect as those taken at a Regular Meeting.
19

20 **Section 6.2.4: Special Meetings.** Special Meetings of the Commission may be scheduled
21 by majority vote of the Commission during a meeting or may be called by the
22 Chairperson, Vice-Chairperson or the Executive Director with not less than an eighteen
23 (18) hour notice. The location of a special meeting shall be a place and time designated
24 in the special meeting notice. All official actions taken at a Special Meeting shall have
25 the same force and effect as those taken at a Regular Meeting of the Commission.
26

27 **Section 6.2.5: Closed Sessions.** The Commission may go into closed session only for
28 certain specified exceptions as set forth in Section 8 of the Open Meetings Act being
29 MCL 15.268. Upon written request of a staff person, or the advice or request of
30 General Counsel or any Commissioner that an agenda item falls under one of the
31 exceptions to the Open Meetings Act (MCL 15.268 (a) through (h)), the Chairperson
32 shall ask the Secretary to call for a roll call vote to go into closed session. Upon a two-
33 thirds affirmative roll call of members serving, the portion of the meeting subject to
34 the exception enumerated in the Open Meetings Act shall be closed to the public. The
35 Chair shall state the following information for the record: the result of the roll call vote,
36 the date and time of the closed session, the permissible purpose(s) under Section 8 of
37 the OMA and the reason(s) for calling the closed session. The foregoing information
38 shall be entered into the minutes of the meeting at which the vote is taken and be part
39 of the official record.
40

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

1
2 **Section 6.3: Recessed Meetings.** Any meeting of the Commission may be recessed to a later date
3 and time, provided that no adjournment shall be for a longer period than until the next scheduled
4 meeting. Any meeting that is recessed for more than thirty-six (36) hours shall be reconvened only
5 after public notice has been posted at least eighteen (18) hours before the meeting.
6

7 **7.0 OFFICERS**

8
9 **Section 7.1: Officers.** The officers of the Commission shall be the Chairperson and Vice-
10 Chairperson. The secretary of state shall serve as the non-voting Secretary to the Commission.
11

12 **Section 7.2: Nominations and Election.** The Commission shall nominate and elect from within
13 its membership a Chairperson and a Vice-Chairperson.
14

15 **Section 7.3: Tenure.** The Chairperson and Vice-Chairperson shall take office immediately
16 following their election and shall hold office for a term of six (6) months, **or until resignation of**
17 **that office**, or until their successors are elected and assume office. In the event the office of the
18 Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired
19 term and the Commission shall elect a successor to the office of Vice-Chairperson for the
20 unexpired term. A Commissioner may be nominated and elected for the same office for two or
21 more consecutive terms.
22

23 **Section 7.4: Duties.**

24 **Section 7.4.1: Chairperson.**

25
26 **A.** The Chairperson shall:

27
28 **A.1.** Call to order and preside at all meetings, when present **and able to**
29 **preside. The Chairperson shall be physically present at a meeting to preside;**

30 **B.2.** Preserve order and decorum and may speak to points of order in
31 preference to other members. The Chairperson will decide all questions
32 arising under this parliamentary authority, subject to appeal and reversal by
33 a majority of the members present;

34 **C.3.** Enforce these rules of procedure;

35 **D.4.** Perform any other administrative or agenda duties as directed by the
36 Commission;

37 **E.5.** Have all the same rights as other members with respect to procedural
38 matters, debate and voting except that the Chairperson shall not vote on the
39 appeal of a parliamentary ruling by the Chairperson; and

40 **6. F.** In the event of absence or disability of both the Chairperson and
41 Vice-Chairperson during a meeting, the Chairperson may designate another
42 of its members to serve as Acting Chair during such absence or disability.
43 If neither the Chairperson or Vice-Chairperson are present to call a meeting
44 to order, the meeting shall be called to order by the Secretary to the

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1 Commission who shall conduct the election of an Acting Chair for that
2 meeting by majority vote of members present.

3 **B.** In the event the Chairperson is not physically present at a meeting or is
4 unable to preside for any reason during a meeting, whether physically
5 present or remotely attending, and the Vice Chair is physically present,
6 the Vice-Chair shall preside over all or a part of the meeting as Acting
7 Chair. The Chairperson's designation of the Vice Chair as Acting Chair
8 shall not diminish or impair the Chair's rights as a member of the
9 Commission, including the Chair's right to debate, vote, or with respect
10 to procedural matters.

Commented [PJ(7)]: Raised by Commissioner Orton.

Commented [PJ(8)]: Raised by Commissioner Szetela.

11
12 **Section 7.4.2: Vice-Chairperson.** The Vice-Chairperson shall perform the duties of
13 the Chairperson when the Chairperson is unavailable, except as otherwise provided by
14 law. The Vice-Chairperson shall act in the capacity of the Chairperson in the
15 Chairperson's absence or inability to preside if present when designated as Acting Chair
16 by the Chair pursuant to subsection 7.4.1(B). In the event of absence or disability of both
17 the Chairperson and Vice-Chairperson during a meeting, the Vice-Chairperson may
18 designate another of its members to serve as Acting Chair during such absence or
19 disability. As directed by the Chair, The-the Vice-Chairperson shall may help facilitate
20 group discussion on items before the Commission.

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21
22
23 **Section 7.4.3: Secretary.** The secretary of state shall be Secretary to the Commission
24 without vote, and in that capacity shall keep the official record of all proceedings of the
25 Commission and furnish, under the direction of the Commission, all technical services
26 that the Commission deems necessary. The duties of the Secretary shall also include:

- 27
28 A. Facilitating the process for the selection of commissioners pursuant to
29 article IV, section 6, subsection 2 of the Constitution.
30 B. Issuing a call convening the Commission by October 15 in the year of the
31 federal decennial census.
32 C. Randomly selecting a replacement commissioner pursuant to Section 3.5
33 of these rules.
34 D. If necessary, randomly select a final plan under the protocols set forth in
35 article IV, section 6, subsection 14(c)(iii) of the Constitution.
36 E. Publishing the redistricting plan for each type of district adopted under
37 the protocols set forth in article IV, section 6, subsection 14 of the
38 Constitution within thirty (30) days of the adoption of the plan. This
39 publication shall include the plan and the material reports, reference
40 materials, and data used in drawing it, including any programming
41 information used to produce and test the plan. The published materials
42 shall be such that an independent person is able to replicate the
43 conclusion without any modification of any of the published materials.
44 F. Maintaining a public record of all proceedings of the Commission and
45 shall publish and distribute each plan and required documentation. An
46 adopted redistricting plan shall become law sixty (60) days after its

- 1 publication.
- 2 G. Taking and maintaining minutes of all Commission meetings including
- 3 votes on all official actions taken at those meetings. All decisions of the
- 4 Commission shall be recorded, and the record of its decisions shall be
- 5 readily available to any member of the public as required by law and shall
- 6 be provided without charge.
- 7

8 **8.0 ORDER OF BUSINESS AND AGENDA**

9

10 **Section 8.1. Agenda.** The Commission may post a proposed agenda prior to or during a meeting.

11 A written agenda for all members shall be prepared and followed.

12

13 **Section 8.1.1: Agenda Preparation.** The Executive Director shall prepare the proposed

14 agenda. The agenda shall be prepared in consideration of items received from members

15 for inclusion on an agenda. The agenda shall include a recess which will be inserted in

16 appropriate place(s) on the agenda based on the length of the meeting and number of line

17 items to be addressed. The following format shall be utilized for the Order of Business:

18

- 19 I. Call to Order. The Chairperson shall call a meeting to order.
- 20
- 21 II. Roll Call. The Secretary shall call the roll and declare whether there is a
- 22 quorum.
- 23
- 24 III. Adoption of the Agenda. The Commission may amend and shall adopt an
- 25 agenda by majority vote of members present. Items may be added or
- 26 deleted by amendment.
- 27
- 28 IV. ~~Review and Approval of Minutes. At a regular meeting, the minutes of the~~
- 29 ~~previous regular and any other prior meeting since the last regular meeting~~
- 30 ~~shall be corrected, if necessary, and approved by the~~
- 31 ~~Commission.~~ Presentations. Commissioners or staff provide presentations,
- 32 if any, regarding the Commission for the benefit of the public.
- 33
- 34 V. Public Comment. The public shall be invited to provide comment pursuant
- 35 to Section 12.0 of these rules.
- 36
- 37 VI. ~~Correspondence. The Executive Director shall report correspondence~~
- 38 ~~received. The Commission may direct staff to take action on an item of~~
- 39 ~~correspondence or receive and file an item of correspondence in the~~
- 40 ~~Commission's record.~~ Unfinished Business. Items of Commission
- 41 business or issues from a previous meeting that were ~~tabled~~ postponed,
- 42 were not addressed, or otherwise left unresolved. No member shall be
- 43 permitted to speak a second time on the same issue until other members
- 44 wishing to make a comment on the subject have had an opportunity to do
- 45 so.
- 46

- 1 VII. ~~Executive Director Report. The Executive Director shall provide a status~~
2 ~~report and respond to questions from the Commission.~~New Business:
3 Items of Commission business or issues that are new to the Commission,
4 designated as new business at a prior meeting or an item that was defeated
5 at a prior meeting. No member shall be permitted to speak a second time
6 on the same issue until other members wishing to make a comment on the
7 subject have had an opportunity to do so.
8
9 a. Upcoming Meeting Agenda Topics and Continuing Education. The
10 Executive Director shall provide an update and respond to questions
11 from the Commission.
12
13 VIII. ~~General Counsel Report. The General Counsel shall provide a status report~~
14 ~~and respond to questions from the Commission.~~Review and Approval of
15 Minutes. At a regular meeting, the available minutes of the previous
16 regular and any other prior meeting since the last regular meeting,
17 including committee meetings, shall be corrected, if necessary, and
18 approved by the Commission.
19
20 IX. ~~Communications and Outreach Director Report. The Communications and~~
21 ~~Outreach Director shall provide a status report and respond to questions~~
22 ~~from the Commission.~~Executive Director Report. The Executive Director
23 shall provide a status report and respond to questions from the
24 Commission.
25
26 X. ~~MDOS Updates. MDOS representatives may provide a status report and~~
27 ~~respond to questions from the Commission.~~General Counsel Report. The
28 General Counsel shall provide a status report and respond to questions
29 from the Commission.
30
31 XI. ~~Unfinished Business. Items of Commission business or issues from a~~
32 ~~previous meeting that were tabled, or left unresolved.~~Communications and
33 Outreach Director Report. The Communications and Outreach Director
34 shall provide a status report and respond to questions from the
35 Commission.
36
37 XII. ~~Break~~MDOS Updates. MDOS representatives may provide a status report
38 and respond to questions from the Commission.
39
40 XIII. Correspondence. The Executive Director shall report correspondence
41 received. The Commission may direct staff to take action on an item of
42 correspondence or receive and file an item of correspondence in the
43 Commission's record.~~New Business: Items of Commission business or~~
44 ~~issues that are new to the Commission, designated as new business at a~~
45 ~~prior meeting or an item that was defeated at a prior meeting.~~
46

1 ~~a. Upcoming Meeting Agenda Topics and Continuing Education. The~~
2 ~~Executive Director shall provide an update and respond to questions~~
3 ~~from the Commission.~~

4
5 XIV. Announcements. Opportunity for individual members or staff to make
6 comment or an announcement regarding upcoming activities relating to the
7 Commission's work.

8
9 XV. Adjourn. When the items on the agenda are completed and the
10 Commission has no further business, a motion to adjourn is in order.

11
12 A written agenda for special meetings shall be prepared and followed, however the form as
13 enumerated above shall not be necessary.

14
15 **Section 8.2: Agenda Packet.** The agenda package shall be forwarded via electronic mail
16 transmission to each member ~~as soon as practicable~~ at least 24-hours prior to the start of the
17 meeting. The package shall contain the proposed agenda and sufficient information and reports
18 so that members may have a basic working knowledge of each item appearing on the agenda.

19
20 **Section 8.3: Amendments to the Agenda.** The agenda may be amended at the Commission
21 meeting by action of the Commission.

22 23 9.0 VOTING

24
25 **Section 9.1: Duty to Vote.** Appointment to a deliberative body carries with it the obligation to
26 vote. Members present at a meeting shall vote on every matter before the Commission, unless
27 otherwise excused or prohibited from voting as follows:

28
29 A. A member may abstain from voting if he or she:

30 a. Has a conflict of interest, as set forth in Section 3.8 of these rules or as defined
31 by law. An individual member shall disclose the presence of a conflict of
32 interest or raise a potential conflict of interest when the agenda item is called,
33 prior to the start of discussion or deliberation. Should a conflict of interest
34 become clear during the discussion, the member shall raise the existence of an
35 actual or potential conflict at that time. An individual member may seek the
36 opinion of the General Counsel whether a conflict exists, however this opinion
37 shall not be binding on the Commission. The Commission shall decide, by
38 majority vote of members present, whether a conflict of interest exists. A vote
39 may be ~~tabled~~ postponed, if necessary, to obtain the opinion of the General
40 Counsel. No member shall vote on any question concerning their own conduct.
41 A member with a conflict of interest is prohibited from participating in any
42 discussion, debate or decision on that issue; or

43 b. Lacks sufficient information about the issue to be decided. If a member
44 abstains, he or she shall state for the record their intention to abstain and the
45 reason(s) for doing so prior to the vote. The abstaining member shall not be

1 restricted or prohibited from participating in any discussion or debate on the
2 issue.

3 B. If any member abstains from voting, a roll call vote shall be required on that issue. The
4 reason(s) for the abstention shall be entered into the minutes of the meeting at which
5 the vote is taken and be part of the official record.

6 C. The right to vote is limited to the members present at the time the vote is taken. Voting
7 by proxy is prohibited.

8 D. All votes must be held and determined in public; secret ballots are prohibited.

9 E. Prior to calling for a vote, the Chairperson shall state the question being voted upon or
10 request that staff or the Secretary restate the question.

11
12 **Section 9.2: Manner of Voting.** Except as otherwise provided in these rules or by law, voting
13 shall be by unanimous consent, voice vote, roll call or show of hands unless a written ballot is
14 requested. A written ballot shall state the member's name and each ballot shall be read aloud. The
15 result of the vote by written ballot shall be announced, be entered into the minutes of the meeting
16 at which the vote is taken and the ballots shall be a part of the official record. Secret ballots are
17 prohibited. Roll call votes shall be taken when required in these rules or by law, at the request of
18 any member, or when the Chairperson cannot determine the results of a voice vote. The Secretary
19 shall rotate the order of names called during a roll call vote.

20
21 **Section 9.3: Voting.** Except as otherwise provided in these rules or by law, voting shall be
22 approved by a majority of the Commissioners entitled to vote as follows:

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

24 B. A decision on the dismissal or retention of paid staff or consultants requires the vote of at
25 least one (1) member affiliating with each of the major parties and one (1) non-affiliating
26 member.

27 C. A final decision of the Commission to adopt a redistricting plan requires a majority vote of
28 the Commission, including at least two (2) members who affiliate with each major party,
29 and at least two (2) members who do not affiliate with either major party. If no redistricting
30 plan satisfies this requirement for a type of district, the Commission shall use the following
31 procedure to adopt a plan for that type of district:

32 a. Each member may submit one proposed plan for each type of district to the full
33 Commission for consideration.

34 b. Each member shall rank the plans submitted according to preference. Each plan
35 shall be assigned a point value inverse to its ranking among the number of choices,
36 giving the lowest ranked plan one point and the highest ranked plan a point value
37 equal to the number of plans submitted.

38 c. The Commission shall adopt the plan receiving the highest total points, that is also
39 ranked among the top half of plans by at least two (2) members not affiliated with
40 the party of the commissioner submitting the plan, or in the case of a plan submitted
41 by non-affiliated commissioners, is ranked among the top half of plans by at least
42 two (2) commissioners affiliated with a major party. If plans are tied for the highest
43 point total, the secretary of state shall randomly select the final plan from those
44 plans. If no plan meets the requirements of this subparagraph, the secretary of state
45

1 shall randomly select the final plan from among all submitted plans pursuant to
2 subpart (a) above.

3
4 **Section 9.4: Results of Voting.**

- 5
6 A. In all cases where a vote is taken, the Chairperson or the Secretary shall declare the
7 result.
8 B. It will be in order for any member voting in the majority to move for a reconsideration
9 of the vote on any question at that meeting or at the next succeeding meeting of the
10 Commission provided that no action has been taken as a result of the previous vote.
11 When a motion to reconsider fails, it cannot be renewed.
12

13 **10.0 COMMITTEES**

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

16
17 **Section 10.2: Appointment and Authority.** The Commission shall appoint all committees and
18 committee chairs. It shall be the function of committees to conduct studies and hearings, make
19 recommendations to the Commission, and carry out such activities as may be delegated to them
20 by the Commission. All Committees are subject to the Open Meetings Act.
21

22 **Section 10.3: Limitation of Authority.** No action by any committee, individual member,
23 employee, or officer shall be binding upon, or constitute an expression of, the policy of the
24 Commission until it has been approved or ratified by the Commission.
25

26 **Section 10.4: Discharge.** Committees shall be discharged by the Commission when their work
27 has been completed and their reports accepted, or when, in the opinion of the Commission, it is
28 deemed wise to discontinue the committee.
29
30

31 **11.0 DECORUM AND CIVILITY**

32
33 **Section 11.1: Duty of the Chairperson.** It shall be the duty of the Chairperson to maintain order
34 and decorum at meetings.

35
36 **Section 11.2: Addressing Members.** Members shall address each other through the Chairperson,
37 or Vice-Chairperson when designated by the Chairperson, with respect and will not direct negative
38 comments or gestures towards other members.
39

40 **Section 11.2.1: Exceptions.** A member may request to speak with the permission of the
41 Chairperson, or Vice-Chairperson when designated by the Chairperson. Members shall
42 not interrupt one another; however, point-of-information or fact may be allowed with the
43 permission of the Chairperson.
44

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

7
8 **Section 11.4: Maintaining Respect for Members.** The Chairperson and Vice-Chairperson shall
9 maintain impartiality and treat all members with the respect that is due the position of a
10 Commission member. Members shall treat each other and the Chairperson and Vice-Chairperson
11 with like respect.

12
13 **Section 11.5: Communication Devices During Commission Meetings.** Members who have
14 indicated a necessity to have cell phones or other communication devices at the Commission table
15 may be allowed to retrieve information for emergency purposes. Members shall excuse
16 themselves from the table in order to return needed messages. All cell phones and other
17 communication devices shall be set to vibrate or placed in silent mode during meetings.

18 19 **12.0 PROCEDURES FOR PUBLIC PARTICIPATION**

20
21 **Section 12.1: Public Participation.** Meetings of the Commission are public meetings and
22 individuals shall have a reasonable opportunity to be heard.

- 23
24 A. The Commission shall conduct its meetings and public hearings in a manner that invites
25 wide public participation throughout the state.
- 26 B. The Commission shall use technology to provide contemporaneous public observation and
27 meaningful public participation in the redistricting process during all meetings and public
28 hearings.
- 29 C. The Commission shall receive and consider written submissions of proposed redistricting
30 plans and any supporting materials, including underlying data, from any member of the
31 public. These written submissions are public records and shall be provided to the
32 Commission.
- 33 D. At the designated time provided in the agenda, the Chairperson may recognize and extend
34 an opportunity to speak to any person desiring to address the Commission.
- 35 a. Public comment at a meeting of the Commission, as specified under Section 8.1.1
36 of these rules, the public shall be restricted to comment on agenda items only, with
37 a two (2) minute time restriction. The Secretary shall keep time and advise when
38 the two minutes has expired.
- 39 b. Public comment at a public hearing of the Commission, as specified under Section
40 6.1 of these rules, the public shall be restricted to comment on the specific public
41 hearing items on the agenda only, with a two (2) minute time restriction. The
42 Secretary shall keep time and advise when the two minutes has expired.
- 43 c. The Commission may act to suspend the time limits set forth in subparts a and b
44 and set an alternate time limit for public comment.

1 d. ~~No member of the public shall be permitted to speak a second time on the same~~
2 ~~issue until all others wishing to make a public comment or presentation on the~~
3 ~~subject have had an opportunity to do so.~~

4 E. The Chairperson may warn any person or curtail an opportunity to speak for failure to be
5 germane, for vulgarity, for redundancy within their comment, for speaking in excess of the
6 allotted time, for technical issues, or for failure to address remarks to the Commission.

7 F. A person may be excluded from a meeting otherwise open to the public for a breach of the
8 peace actually committed at the meeting. If any person disrupts the orderly progress of a
9 meeting or refuses to comply with applicable Commission guidelines and rules, the
10 Chairperson may rule that person out of order and/or order their removal from that meeting.

11
12 **Section 12.2: Addressing the Commission.** Members of the public desiring to address the
13 Commission by oral communication shall first secure the permission of the Chairperson and be
14 recognized before speaking. Guidance on participation will be provided in advance of the meeting
15 in the meeting notice and provided verbally by the Chairperson, Secretary during the meeting.

16
17 **Section 12.3: Manner of Addressing the Commission.** Each person addressing the Commission
18 shall approach the ~~lectern or~~ microphone, and may give his or her name in an audible tone of voice
19 for the record. All remarks shall be directed to the Commission as a body, even when such
20 comments note agreement or disagreement with an individual member. No person, other than
21 members of the Commission and the person having the floor, shall be permitted to enter into any
22 discussion, either directly or through the members of the Commission. All questions to the
23 Commission or its individual members shall be directed through the Chairperson. If any person
24 disrupts the orderly progress of a meeting or refuses to comply with applicable MICRC guidelines
25 and rules, the Chairperson may rule that person out of order and/or order their removal from that
26 meeting.

27
28 **Section 12.4: Personal and Slanderous Remarks.** Any person making personal, impertinent or
29 slanderous remarks, or who shall become boisterous or disruptive, while addressing the
30 Commission, may be requested to leave the ~~lectern~~ microphone. An individual member may raise
31 an objection to such remarks with the Chairperson. The Chairperson, independently or at the
32 request of a member, may take action to address the remarks in question, which may include a
33 warning, a clarification, a request for the person to leave the ~~lectern~~ microphone or be ruled out of
34 order. If any person becomes loud or unruly, the Chairperson may rule that person out of order
35 and may forfeit that person's opportunity to speak further and that person shall immediately cease
36 their remarks.

38 **13.0 Public Access to Commission Records**

39 **Section 13.1: Commission Records.**

40
41 A. The Secretary shall make the minutes and the record of decisions of Commission
42 meetings readily available to any member of the public without charge. Commission
43 minutes, prepared but not approved by the Commission, shall be available for public
44 inspection not more than eight (8) business days following the meeting. Minutes
45

1 approved by the Commission shall be available within five (5) business days after the
2 date of the meeting in which the minutes were approved.

3 B. All Commission records are available to the public for reading, copying and other
4 purposes as governed by the Freedom of Information Act, except those specifically
5 exempted under applicable laws including but not limited to FOIA or the OMA. The
6 Executive Director delegates the responsibilities of the role of FOIA Coordinator to the
7 General Counsel of the Commission. The Commission shall adopt a policy to respond
8 to FOIA requests.

9 C. To the extent practicable, the Secretary shall post meeting materials and records on the
10 Commission's website for the public's convenience and to foster transparency in the
11 redistricting process.
12

13 **14.0 MISCELLANEOUS**

14
15 **Section 14.1: Suspension.** Except for those rules derived from the constitution or state law, the
16 Commission may suspend its rules of procedure, in whole or in part, by majority vote of members
17 present.
18

19 **Section 14.2: Amendments.** These rules may be amended, with prior notice of such amendment,
20 by a majority vote of the members present at any regular or special meeting. The prior notice
21 requirement may be satisfied by inclusion of the initial proposed amendment(s) on the agenda and
22 included in the Agenda package at least three (3) days prior to the meeting at which formal action
23 to amend is taken. Every amendment must identify the specific existing or new sections of these
24 rules that are subject to revision or inclusion by the amendment. By adopting subsequent
25 amendments to these Rules pursuant to this Section, the Commission ratifies all prior actions taken.
26

Commented [PJ(10)]: Raised by Commissioner Lett.

27 **Section 14.3: Severability.** These rules and all amendments hereto are subject to article IV, section
28 6 of the Constitution, the constitution and laws of the State of Michigan, and the constitution and
29 laws of the United States of America. If any article, section, or other provision of these rules, as
30 amended, is found by an appropriate authority to be in violation of such applicable law or otherwise
31 invalid, such provision shall be severed from these rules, the remainder of which shall continue in
32 effect and shall be construed so as to enable the Commission to achieve its purpose as stated herein.
33

34 The foregoing rules have been approved by the State of Michigan Independent Citizens
35 Redistricting Commission as of the Date of Approval noted below:
36

37 Originally Adopted: February 4, 2021.

38 Revised: ~~_____~~ October, 2021.